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470-489	Day 40 - 3/16/05	490-500	Day 41 - 3/17/05	501-508	Day 42 - 3/24/05
509-522	Day 43 - 3/29/05	523-542	Day 44 - 3/30/05	543-567	Day 45 - 3/31/05
568-576	Day 46 - 4/04/05	577-584	Day 47 - 4/05/05	585-592	Day 48 - 4/06/05
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762-779	Day 58 - 4/25/05	780-804	Day 59 - 4/26/05	804-830	Day 60 - 4/27/05
831-847	Day 61 - 4/28/05	848-874	Day 62 - 5/02/05	875-983	Day 63 - 5/03/05
984-1014	Day 64 - 5/04/05	1015-1037	Day 65 - 5/05/05	1038-1058	Day 66 - 5/09/05
1059-1135	Day 67 - 5/10/05	1136-1273	Day 68 - 5/11/05	1274-1330	Day 69 - 5/12/05
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Veto Session:

1-3 [Day 1 - 9/14/05](#)

JOURNAL OF THE SENATE
NINETY-THIRD GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 5, 2005

The Senate was called to order at 12:00 noon by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"See I am making all things new." (Revelation 21:5)

Gracious God, we come together, some old, some new to this chamber, but all eager to serve. We pray as we begin this new session, with new opportunities before each of us to serve You and our people, that You might grant us guidance to follow the path You have chosen for us, grant us faithfulness to end well what we have started and grant us wisdom to know fully what we are about as we carry out our responsibilities here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Ms. Janet Frain, Kirkwood, performed the National Anthem.

The President of the Senate stated that the Rules of the Senate would be the Missouri Senate Rules of the 2nd Regular Session of the Ninety-second General Assembly until temporary or permanent rules are adopted.

Senator Shields announced that photographers from the St. Louis Post Dispatch, St. Joseph News-Press, Associated Press, KMIZ-TV and the Kansas City Star, the Senate and family had been given permission to take flash pictures and to video in the Senate Chamber and gallery today.

Senator Shields submitted the following appointments of officers for the temporary organization, which were read:

President Pro Tem Michael R. Gibbons

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Glenn Pound

Doorkeeper Ken Holman

Senator Shields requested unanimous consent of the Senate that the above named officers be elected as temporary officers until permanent officers are elected, which request was granted.

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 93rd General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 2002, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 93rd General Assembly (First Regular Session) of the State of Missouri, elected at the November 5, 2002 General Election and the November 2, 2004 General Election.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 4th day of January 2005.

/s/ Matt Blunt

(Seal) SECRETARY OF STATE

MISSOURI STATE SENATORS

93rd General Assembly, First Regular Session

Elected November 5, 2002

District	Name
2nd	Jon Dolan
4th	Patrick Dougherty
6th	Carl Vogel
8th	Matt Bartle
10th	Charles Wheeler
12th	David G. Klindt
14th	Rita Days
16th	Sarah Steelman
18th	John W. Cauthorn
20th	Dan Clemens
22nd	Steve Stoll
24th	Joan Bray
26th	John Griesheimer
28th	Delbert Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

MISSOURI STATE SENATORS

93rd General Assembly, Second Regular Session

Elected November 2, 2004

District	Name
1st	Harry Kennedy
3rd	Kevin Engler
5th	Maida Coleman
7th	John William Loudon
9th	Yvonne S. Wilson
11th	Victor Callahan
13th	Timothy P. Green
15th	Michael R. Gibbons
17th	Luann Ridgeway
19th	Chuck Graham
21st	Bill Stouffer
23rd	Chuck Gross
25th	Robert (Rob) Mayer
27th	Jason G. Crowell
29th	Larry Gene Taylor
31st	Chris Koster
33rd	Chuck Purgason

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Stephen N. Limbaugh, Jr., of the Missouri Supreme Court.

On roll call the following Senators were present:

Present--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

The President declared the First Regular Session of the 93rd General Assembly convened.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED, by the Senate of the Ninety-third General Assembly of the State of Missouri, First Regular Session, that the rules adopted by the Ninety-second General Assembly, Second Regular Session, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate of the Ninety-third General Assembly, First Regular Session, until permanent rules are adopted.

Senator Shields moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Griesheimer nominated Senator Michael R. Gibbons for President Pro Tem. Senator Gibbons' nomination was seconded by Senator Coleman.

No further nominations being made, Senator Gibbons was elected President Pro Tem by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		
	Nays--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Gibbons was escorted to the dais by Senator Shields.

Senator Gibbons subscribed to the oath of office of President Pro Tem, administered by the Honorable Senior Judge Robert O. Snyder.

President Pro Tem Gibbons assumed the dais and delivered the following address:

Opening Address

Senator Michael R. Gibbons, President Pro Tem

First Regular Session, 93rd General Assembly

January 5, 2005

Lt. Gov. Maxwell, Lt. Gov-Elect Kinder, Judge Limbaugh, Judge Snyder, members of the Missouri Senate, friends, family and fellow Missourians:

The people of Missouri stand at the threshold of a time of great opportunity. It will be up to us to lay the foundation for this exciting future and make our state government work for the people to improve the lives we all live in this great state.

During the elections and afterward, a great deal has been said about how divided we are, some saying that there are two Americas, others that deep divisions will prevent us from moving forward. In Missouri's history, we know about deep divisions. As a border state during the Civil War, brothers took up arms against each other, and the violence and bloodshed in Missouri was great.

Thankfully, today the things that separate us are far less extreme, and it would do us well to recall what Abraham Lincoln reminded us about creating divisions - that a "House divided against itself cannot stand." Moreover, the state seal of our great state echoes this theme: "United We Stand - Divided We Fall." We must be united in our desire to make sure that the people of Missouri have jobs and an opportunity to succeed; that our children have good schools and get a great education; that we have access to quality healthcare; that our roads are safe and our transportation system strong; that our tax system is fair and generates the money necessary to fund critical functions in a way that is simple and without a great burden; that waste, fraud and abuse in Medicaid is eliminated.

There will be disagreement about how to achieve these objectives, and these differences should be debated vigorously, amendments offered and votes cast so that we can do the job of expressing the will of the people and take action to improve the lives of Missourians.

We have seen a massive change in Jefferson City. In 1992, when a number of us were first elected to the House of Representatives, Gov. Carnahan was elected after 12 years of Republican governors. He brought with him a huge Democratic majority in the House and Senate.

This year's election was the exact opposite - Gov-elect Blunt was elected after 12 years of Democratic governors and brought with him huge majorities in both chambers of the General Assembly.

Moreover, the political landscape has changed dramatically in the last 4 years. Republicans have grown from a minority of 16 members in the Senate in 2000, to a majority of 23 today. This majority expanded to include the House Republicans in 2002 as they gained their first majority in decades, and now we have a republican governor. This is the first time in 84 years that Republicans have been in this position, and only the fourth time in Missouri history.

The other great change has been term limits which the people adopted in 1992. The last of the long serving members of the Senate finished their service in 2004 where the longest serving members had been in the legislature for 42 years and had served in the Senate for almost three decades. Today, the longest serving members in the Senate have been here 6 years, and both of them will be leaving soon.

The Senator from Phelps will be leaving to become the next Treasurer of the State of Missouri. The Senator from Jefferson will be leaving to take over as City Administrator for the City of Festus. They join our friend and next Lt. Governor of Missouri, Peter Kinder, in continuing the tradition of leadership for Missouri coming from the ranks of the Senate.

It is into this body of leaders that we welcome our 11 new members. You are now part of a strong tradition of leadership and I challenge you, in this time of great change, to honor this tradition by helping us lead so that the people of our state can lead better lives.

With all of this change, we have the opportunity to shape how this Senate will work. We have the opportunity to work together to find solutions and get results for the people. The Senate is the place for deliberate debate, to explore the issues, and respect every Senator's right to be heard and to impact legislation.

But, this is not the place for delay for the sake of delay, or obstruction for the sake of obstruction. The people spoke in November, and now it's time to get something done. There will be no tyranny by this Majority, nor can there be a tyranny by the Minority if we are to do the peoples' work and find solutions to the issues facing our State.

We all have run for this office with the hope and desire to make things better for the people of Missouri, and I applaud the Senator from the 5th, our Senate Minority Leader, for her leadership and interest in restoring civility to the Senate and for working hard to find solutions. She has said that it is now our "opportunity to make things work for the state." And that is what we are ready to do. The Senator from the 5th and I are committed to putting the people of Missouri before politics, and we urge you all to join us.

The voters on November 2nd sent a clear message - We want change. We want action. We want results. We want an end to the gridlock between the governor and the General Assembly. Voters, your message has been heard.

This year, we will pass tort reform in Missouri and see it signed into law. High malpractice premiums have caused doctors to leave the practice of medicine or move to another state. This loss of access to quality health care must stop. The loose provisions on venue have allowed lawyers great success in "shopping" for a place to file their lawsuits like the City of St. Louis where the chance of winning is greater and the money awarded larger. This litigation lottery must end. The failure to solve these issues reduces access to quality healthcare and increases its cost, so that we pay more for less care. Furthermore, our civil justice system makes it less likely that businesses will locate or expand here, costing us jobs and opportunities. This must change.

The issue is about balance. The person who is hurt should have their day in court, while the person who is sued should have a fair opportunity to defend themselves.

Doing so will mean a better way of life for all Missourians. We must succeed.

Workers compensation reform is another issue likely to have early action. Simply put, when an employee is hurt, and the injury is caused by their work, he or she should be protected and compensated for their loss, but when work is not the cause of the injury, the employer should be protected from these claims and the higher premiums they cause. When this system is in balance, it's good for the workers and the employers. When it is out of balance in favor of the claimants, it undermines the benefits, increases costs, makes our state less competitive and the people lose out on jobs and opportunities. If it gets out of balance in favor of business, it can make the workplace less safe. We must strike the right balance.

School funding is an issue that we have not yet addressed. It must be tackled. It will be difficult. The school funding formula that distributes state tax dollars to elementary and secondary schools is broken. A lawsuit has been filed challenging the current law, but it is not the role of the courts to establish how this money should be distributed, rather, it is ours - the Legislature's. School funding is a great challenge because each area, each district, each school, and even each student, has different needs and desires, which can turn this issue into the legislative equivalent of a food fight. It will be up to us, the Missouri Senate to lead the way on this complicated issue, which affects the education our children receive, the cost paid by the taxpayers, the strength of our state's economy and our future. We must find the right balance so that all of our children, whether they are from rural, suburban, or urban areas; from small or large districts; have an equal opportunity for a great education.

And while our state's economy is improving, we still have many budget challenges ahead. Governor-elect Blunt has said that his administration will look at change and efficiency to make sure we are good stewards of the taxpayers money and we spend it effectively for the benefit of the people. We look forward to working with this administration in crafting a balanced budget that protects the taxpayers while providing adequate funding for critical functions of government. The appropriations process sets the priorities for the coming year and, in this effort, we must succeed.

Many other issues will come before us this year. The work will be difficult. The hours long. We all have family and friends that have made substantial sacrifices in order for us to serve. Let's recognize them now.

I also want to thank the voters of the 15th Senatorial District for returning me to the Missouri Senate, and I thank you, my colleagues in the Senate, for electing me to serve as your President Pro Tem. I am honored and humbled by your confidence as we enter these exciting and historic times.

My goal for the Missouri Senate, working together with the House and Governor, is to lead our citizens to their best days ever. My door will always be open to you, as we strive in this chamber to do what is right for the people of Missouri.

I also want to say a quick thank you to Judge Snyder. I grew up around the corner from him and he was our State Representative. More importantly, he has been a great mentor, a role model, and a friend. When I was first elected to Kirkwood City Council, he swore me in in 1986, and I am thrilled that he was able to be here today.

The first time I was ever in this magnificent Capitol was as a 10 year old on a fourth grade field trip to Jefferson City from Pitman Elementary School in Kirkwood. I remember the day very clearly. We met Governor Warren Hearnes, Secretary of State James Kirkpatrick, and visited the House and Senate. I had a great time and knew that I wanted to come back some day.

When I finally came back it was in January of 1993 as a newly elected member of the Missouri House of Representatives, in the minority party, number 160 out of 163 in seniority. I was lucky to have an office. I never thought on that day I would be standing here before you as part of an historic effort to put Missouri on the right track for the 21st century.

We are all here because we share a dream, a dream that the lives of Missourians can be better and that we can do something about that.

Earlier we recognized our friends and families with a round of applause. Better than applause, let's recognize their sacrifices, as well as the trust the voters have given to us, by working together to lay a solid foundation for the future of the people of this state. We must build a future of hope and opportunity. A future that affirms that the American Dream is alive and well in Missouri. A future no matter who you are; your color, your gender, where you begin, or how old you are; if you work hard, and relentlessly and honorably pursue your goals, in our Missouri, your dreams can come true.

So, let's work together so that every Missourian will have the opportunity to pursue their dreams with the hope of success, to improve their lives and make our state the best place in America to live, work and raise a family.

Thank you.

President Maxwell resumed the Chair.

Senator Gibbons nominated Terry L. Spieler for Secretary of the Senate.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Gibbons nominated Glenn Pound for Sergeant-at-Arms.

No other nominations being made, Mr. Pound was elected by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Gibbons nominated Ken Holman for Doorkeeper.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

Terry Spieler, Glenn Pound and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by Judge Snyder.

RESOLUTIONS

Senator Shields offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-third General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem	Michael R. Gibbons
Secretary of Senate	Terry L. Spieler
Sergeant-at-Arms	Glenn Pound
Doorkeeper	Ken Holman

Senator Shields moved that the above resolution be adopted, which motion prevailed.

Senator Loudon offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 3

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State students who have admirably demonstrated their potential as lifelong learners and future societal leaders through the excellence of their achievements while still in school; and

WHEREAS, Beth Roberts of Ballwin has attained considerable distinction as a student at Marquette High School in Chesterfield; and

WHEREAS, Beth Roberts recently enhanced her already impressive record of accomplishment when she earned Third Place in the 7th Senatorial District Bill of Rights Essay Contest sponsored by State Senator John Loudon, The Missouri Bar, the Missouri Broadcasters Association, and the Missouri Press Association; and

WHEREAS, the Third Place submission by Beth Roberts was an essay answering the question, "Which Amendment of the Bill of Rights is the Most Important and Why?"; and

WHEREAS, in honor of her prize-winning writing, Beth Roberts will join fellow contest winners in reading the Bill of Rights at the swearing-in ceremony in the Senate Chamber on January 5, 2005; and

WHEREAS, Beth Roberts is the daughter of Robin and Carole Roberts and the sibling of Cara Sherlock and Leah Roberts; and

WHEREAS, during her studies at Chesterfield High School, Beth Roberts has participated in National Honor Society, Saint Louis Youth Symphony, Marquette Cross-Country, Marquette Track and Field, and Momentum, and has received Destination Imagination district and state honors, the Marquette Cross Country Foundation Award, an Amphora Award, and two Presidents Education Awards:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the well-deserved selection of Beth Roberts for Third Place in the Bill of Rights Contest and to convey to her this legislative body's most heartfelt best wishes for many more years of continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Beth Anne Roberts of Ballwin, Missouri.

Senator Loudon offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 4

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State students who have admirably demonstrated their potential as lifelong learners and future societal leaders through the excellence of their achievements while still in school; and

WHEREAS, Lauren Stiffelman of Manchester has attained considerable distinction as a student at Parkway West; and

WHEREAS, Lauren Stiffelman recently enhanced her already impressive record of accomplishment when she earned Third Place in the 7th Senatorial District Bill of Rights Essay Contest sponsored by State Senator John Loudon, The Missouri Bar, the Missouri Broadcasters Association, and the Missouri Press Association; and

WHEREAS, the Third Place submission by Lauren Stiffelman was an essay answering the question, "Which Amendment of the Bill of Rights is the Most Important and Why?"; and

WHEREAS, in honor of her prize-winning writing, Lauren Stiffelman will join fellow contest winners in reading the Bill of Rights at the swearing-in ceremony in the Senate Chamber on January 5, 2005; and

WHEREAS, Lauren Stiffelman is the daughter of Steve and Debbie Stiffelman and the sibling of Erin and Andrew; and

WHEREAS, during her studies at Parkway West, Lauren Stiffelman has been recognized three times as a Scholar Athlete, twice as Parkway West Miss Spirit, a Parkway Common Ground Facilitator, and as a student on the Academic Honor Roll, Parkwest Yearbook staff, Varsity Poms team, and Varsity Swimming team:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the well-deserved selection of Lauren Stiffelman for Third Place in the Bill of Rights Contest and to convey to her this legislative body's most heartfelt best wishes for many more years of continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Lauren Stiffelman of Manchester, Missouri.

Senator Loudon offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 5

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State students who have admirably demonstrated their potential as lifelong learners and future societal leaders through the excellence of their achievements while still in school; and

WHEREAS, Evan Milnor of Alton, Illinois, has attained considerable distinction as a student at Whitfield School; and

WHEREAS, Evan Milnor recently enhanced his already impressive record of accomplishment when he earned Second Place in the 7th Senatorial District Bill of Rights Essay Contest sponsored by State Senator John Loudon, The Missouri Bar, the Missouri Broadcasters Association, and the Missouri Press Association; and

WHEREAS, the Second Place submission by Evan Milnor was an essay answering the question, "Which Amendment of the Bill of Rights is the Most Important and Why?"; and

WHEREAS, in honor of his prize-winning writing, Evan Milnor will join fellow contest winners in reading the Bill of Rights at the swearing-in ceremony in the Senate Chamber on January 5, 2005; and

WHEREAS, Evan Milnor is the son of George and Laurie Milnor and the sibling of Ashley, Kendall, and Reed; and

WHEREAS, during his studies at Whitfield School, Evan Milnor has participated in Model United Nations, a Missouri State Champion soccer team, the baseball team, and Student Honor Council, and has received the Cady Award and the Lower School Mathematics Award:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the well-deserved selection of Evan Milnor for Second Place in the Bill of Rights Contest and to convey to him this legislative body's most heartfelt best wishes for many more years of continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Evan Sparks Milnor of Alton, Illinois.

Senator Loudon offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 6

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State students who have admirably demonstrated their potential as lifelong learners and future societal leaders through the excellence of their achievements while still in school; and

WHEREAS, Mary Bax of Ballwin has attained considerable distinction as a student at Parkway West; and

WHEREAS, Mary Bax recently enhanced her already impressive record of accomplishment when she earned First Place in the 7th Senatorial District Bill of Rights Essay Contest sponsored by State Senator John Loudon, The Missouri Bar, the Missouri Broadcasters Association, and the Missouri Press Association; and

WHEREAS, the First Place submission by Mary Bax was an essay answering the question, "Which Amendment of the Bill of Rights is the Most Important and Why?"; and

WHEREAS, in honor of her prize-winning writing, Mary Bax will join fellow contest winners in reading the Bill of Rights at the swearing-in ceremony in the Senate Chamber on January 5, 2005; and

WHEREAS, Mary Bax is the daughter of Richard and Eileen Bax and the sibling of Richard, Virginia, Elizabeth, Bridget, Marjorie, Brian, Katherine, and Lauretta; and

WHEREAS, during her studies at Parkway West, Mary Bax has participated in Saint Joseph Youth Group, Parkway West High School Yearbook Committee, and Parkway West Cross-Country and Track teams, and has received a scholarship to Franciscan University in Steubenville, Ohio:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the well-deserved selection of Mary Bax for First Place in the Bill of Rights Contest and to convey to her this legislative body's most heartfelt best wishes for many more years of continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Mary Bax of Ballwin, Missouri.

Senator Green offered Senate Resolution No. 7, regarding Steven Jannick, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 8, regarding Zachary Long, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 9, regarding Jacob Froeschner, Florissant, which was adopted.

Senator Stoll offered Senate Resolution No. 10, regarding Sharon Elaine "Sherry" Armstrong, Hillsboro, which was adopted.

Senator Stoll offered Senate Resolution No. 11, regarding Our Lady Parish, Jefferson County, which was adopted.

Pursuant to the provisions of Section 9.141, RSMo, the Bill of Rights was read by Mary Bax, Parkway West High School, Ballwin.

On motion of Senator Shields, the Senate recessed until 2:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Debra A. Adams, 116 Cedarcrest Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2006, and until her successor is duly appointed and qualified; vice, Tadd Greenfield, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2004, while the Senate was not in session.

Patricia A. Allen, Democrat, 832 Floyd Street, Kennett, Dunklin County, Missouri 63857, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2007, and until her successor is duly appointed and qualified; vice, William Creech, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2004, while the Senate was not in session.

Linward Appling, 302 Ridgeway Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Bryan Forbis, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2004, while the Senate was not in session.

Cynthia W. Bald, 105 Eagles Landing Parkway, Cameron, Clinton County, Missouri 64429, as a member of the State Board of Cosmetology, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Gregory S. Ballentine, 2135 Lightburne, Liberty, Clay County, Missouri 64068, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Charles D. Banks, Democrat, 678 Glenwood Drive, Pevely, Jefferson County, Missouri 63070, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Deborah J. Barger, MSN, RN, 618 Greenbrier Road, Moberly, Randolph County, Missouri 65270, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, Janet Vanderpool, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Roger D. Beamer, 5586 Julie Street, Fulton, Callaway County, Missouri 65251, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Robert E. Bell, Republican, 43 Villa Coublay Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2004, while the Senate was not in session.

John Blass, 104-19 East Green Meadows Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Robert D. Blitz, Democrat, 61 Portland, Frontenac, St. Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Robert D. Blitz, withdrawn. Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 2, 2004, while the Senate was not in session.

Gregory W. Booth, Democrat, 2908 Olde Worchester, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2010, and until his successor is duly appointed and qualified; vice, Roger L. Pryor, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Renate D. Brodecker, 211 North Olive Street, Eldon, Miller County, Missouri 65026, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2007, and until her successor is duly appointed and qualified; vice, Christi Warner, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

James E. Burlingame, 3834 West Seventh, Joplin, Jasper County, Missouri 64801, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2004, while the Senate was not in session.

Kevin S. Cahill, 7133 Stanford Avenue, University City, St. Louis County, Missouri 63130, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 10, 2005, and until his successor is duly appointed and qualified; vice, Booker T. Rice, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

David Charles Campbell, M.D., M.Ed., 3857 Utah Place, St. Louis City, Missouri 63116, as a member of the Drug Utilization Review Board, for a term ending October 15, 2008, and until his successor is duly appointed and qualified; vice, Harold H. Lurie, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2004, while the Senate was not in

session.

William Carson, Democrat, 4424 Benton Boulevard, Kansas City, Jackson County, Missouri 64130, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2004, while the Senate was not in session.

Jeffrey D. Case, Republican, 3735 Shelby 255, Shelbyville, Shelby County, Missouri 63469, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, Robert Meyer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2004, while the Senate was not in session.

Sherri Coleman, 1207 Bellevue Avenue, St. Louis, St. Louis County, Missouri 63117, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

M. Jenise Comer, 7416 Richmond Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the State Committee for Social Workers, for a term ending October 23, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Thomas L. Cooling, 14307 Valley Meadow Court, East, Chesterfield, St. Louis County, Missouri 63017, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, Scott M. Olson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

James D. Corwin, 4901 Northwest Old Trail Road, Kansas City, Platte County, Missouri 64151, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2007, and until his successor is duly appointed and qualified; vice, Richard Easley, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Betty Council, 12437 Highway 63 S, Vienna, Maries County, Missouri 65582, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Michael L. Craighead, M.D., Republican, 1100 Highland Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Registration for the Healing Arts, for a term ending September 2, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Linda R. Curbow, 512 Willowdale Court, Nixa, Christian County, Missouri 65714, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2008, and until her successor is duly appointed and qualified; vice, Joseph Mark Goffinet, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Richard H. Dahl, Republican, 209 Amador Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Investment Trust, for a term ending February 24, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Gene H. Dexter, Ph.D., 620 Northwest Cortland Drive, Blue Springs, Jackson County, Missouri 64015, as a public member of the Committee for Professional Counselors, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Dave Edwards, 702 Maxine, Crane, Stone County, Missouri 65633, as a member of the Amusement Ride Safety Board, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Darrell D. Nash, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Linda A. Engelmann, 805 Melrose Lane, Liberty, Clay County, Missouri 64068, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2007, and until her successor is duly appointed and qualified; vice, Homer W. Miller, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 4, 2005, while the Senate was not in session.

Michelle T. Esswein, Independent, 4420 Firelight Drive, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Carolyn Laundry, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2004, while the Senate was not in session.

John L. Evans, Republican, 3789 Southeast Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Debra F. Fink, D.D.S., 7849 Balson Avenue, University City, St. Louis County, Missouri 63130, as a member of the Missouri Dental Board, for a term ending October 16, 2009, and until her successor is duly appointed and qualified; vice, Rolfe C. McCoy, D.D.S., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Douglas J. Fitzwater, M.D., Republican, 1120 County Highway 523, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2007, and until his successor is duly appointed and qualified; vice, William D. Owens, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 9, 2004, while the Senate was not in session.

Bill I. Foster, Republican, 1328 County Road 442, Poplar Bluff, Butler County, Missouri 63901, as a employer representative for the Labor and Industrial Relations Commission, for a term ending July 24, 2010, and until his successor is duly appointed and qualified; vice, Kenneth D. Legan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Carol Ann Freeman, 6273 Highway MM, Cabool, Texas County, Missouri 65689, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Margaret Freeman, 831 Hart Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Sherry Hale, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

John S. Gaal, 211 Spring Oaks Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 23, 2004, while the Senate was not in session.

William G. Gillespie, Independent, 7328 Ravinia Drive, St. Louis, St. Louis County, Missouri 63121, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Phillip L. Gould, 102 Lake Forest, St. Louis, St. Louis County, Missouri 63117, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2004, while the Senate was not in session.

Melba R. Hale, 14285 Trailtop Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 1, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2004, while the Senate was not in session.

James M. Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

John G. Harper, M.Ed., CRC, LPC, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Gregory Solum, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

James A. Hendren, Democrat, 10950 West Bradley Lane, Rocheport, Boone County, Missouri 65279, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2004, while the Senate was not in session.

David B. Henson, Ph.D., 340 Tomahawk Road, Post Office Box 29, Jefferson City, Cole County, Missouri 65102-0029, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2009, and until his successor is duly appointed and qualified; vice, Allan Purdy, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Steven R. Hermann, 115 Holly Drive, Webster Groves, St. Louis County, Missouri 63119, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Joan Kelly Horn, 2017 S. Grand Blvd. #104, St. Louis City, Missouri 63104, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, Joan Kelly Horn, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

John M. Houghton, Ph.D., #1 Duddin Court, Manchester, St. Louis County, Missouri 63021, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, John M. Houghton, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Donald L. James, D.O., Republican, 10381 Stoltz Road, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Health, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Karen Sylvara, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 20, 2004, while the Senate was not in session.

Joel T. Jeffries, M.D., Republican, 1401 South Purdy Lane, Columbia, Boone County, Missouri 65201, as a member of the Board of Probation and Parole, for a term ending August 16, 2006, and until his successor is duly appointed and qualified; vice, DonnaWhite, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Christel H. Johnson, 7420 Washington, Kansas City, Jackson County, Missouri 64114, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 7, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Glenda Kremer, County Road 403, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 9, 2004, while the Senate was not in session.

Richard D. LaBore, 1421 Woodhue Drive, St. Louis, St. Louis County, Missouri 63126, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2008, and until his successor is duly appointed and qualified; vice, Elizabeth Van Uum, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Donald D. Landon, 2065 South Cedarbrook, Springfield, Greene County, Missouri 65804, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until his successor is duly appointed and qualified; vice, Susan I. Green, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Susan B. Lile, 524 Hickory Hollow Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Committee for Professional Counselors, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Sheldon Lee Lineback, 337 Hutton Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, Donna Gunning, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Allen I. Logan, 7720 Underhill Drive, St. Louis, St. Louis County, Missouri 63133, as a student representative of the Board of Curators of Lincoln University, for a term ending May 1,

2006, and until his successor is duly appointed and qualified; vice, Leonard Woodson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Peggy D. Loman, 909 Northeast Willow Court, Oak Grove, Jackson County, Missouri 64075, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

William J. Longmore, Ph.D., 517 Beaucaire Drive, Warson Woods, St. Louis County, Missouri 63122, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, William J. Longmore, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on August 31, 2004, while the Senate was not in session.

J. Beto Lopez, Democrat, 5724 Northeast Quartz Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2007, and until his successor is duly appointed and qualified; vice, John R. Bondon, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Jeffrey A. Marlow, 1100 La Guille Court, Apartment B, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until his successor is duly appointed and qualified; vice, Gary Stevens, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Michael A. Marx, 4173 Fairburn Court, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 30, 2004, while the Senate was not in session.

Nick L. Matherly, Republican, 12899 Highway DD, Post Office Box 310, Cabool, Texas County, Missouri 65687, as a member of the Land Reclamation Commission, for a term ending September 28, 2007, and until his successor is duly appointed and qualified; vice, Carol Wicks, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2004, while the Senate was not in session.

Arlene V. McClendon, 6231 Hancock Street, Berkeley, St. Louis County, Missouri 63134, as a member of the State Board of Barber Examiners, for a term ending April 25, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in

session.

Mary E. McEniry, 213 North Ventura, Apartment 12, Jefferson City, Cole County, Missouri 65109, as Ombudsman Child Advocate of the Children's Protection and Services, for a term ending December 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo. 37.705.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 1, 2004, while the Senate was not in session.

Charles E. Mitchell, Democrat, 19349 MR 971, Holliday, Monroe County, Missouri 65258, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2008, and until his successor is duly appointed and qualified; vice, Christina Norton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Robert Allan Morantz, M.D., 17100 Highland Ridge Drive, Belton, Cass County, Missouri 64012, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, Robert Allan Morantz, M.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Randy D. Mosier, 1402 Southeast 15th Street Place, Oak Grove, Jackson County, Missouri 64075, as a member of the Personnel Advisory Board, for a term ending July 13, 2008, and until his successor is duly appointed and qualified; vice, Monica Anthony, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2004, while the Senate was not in session.

Teri A. Murray, Ph.D., R.N., 948 Sprinters Row Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri State Board of Nursing, for a term ending October 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Anthony R. Myers, 623 West Columbia, Farmington, St. Francois County, Missouri 63649, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Carl D. Nelson, 2616 Mitchel Avenue, St. Joseph, Buchanan County, Missouri 64507, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2006, and until his successor is duly appointed and qualified; vice, Elizabeth Miller, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Tina A. Odo, Republican, 19242 St. Albans Valley Drive, Glencoe, St. Louis County, Missouri 63038, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2004, while the Senate was not in session.

Esther E. Otto, 709 Cannonbury Drive, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, Donald Claycomb, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

John Thornton Park, Ph.D., 650 Holmes Lane, Rolla, Phelps County, Missouri 65401, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, John Thornton Park, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Deborah U. Parsons, 2709 Lilac Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on July 6, 2004, while the Senate was not in session.

Peggy Tuter Pearl, C.H.E., 847 Pickwick, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Lynne Dresner, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2004, while the Senate was not in session.

Douglas A. Potts, Sr., Republican, 2915 Meramec Street, St. Louis City, Missouri 63118, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2005, and until his successor is duly appointed and qualified; vice, Tom Garnett, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Diane Leigh Priest, 7681 East Sunnydale Drive, Columbia, Boone County, Missouri 65201, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Caroline L. Pufalt, Democrat, 13415 Land O Woods Drive #3, Chesterfield, St. Louis County, Missouri 63141, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, Caroline L. Pufalt, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Paul K. Rainsberger, 2401 Hillshire Drive, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 2010, and until his successor is duly appointed and qualified; vice, Paul Boudreau, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Kathleen C. Reardon, 15 Lakeforest Drive, St. Louis, St. Louis County, Missouri 63117, as a member of the Children's Trust Fund Board, for a term ending September 15, 2007, and until her successor is duly appointed and qualified; vice, W. Dudley McCarter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Tracy M. Reed, D.P.M., Democrat, 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Kimberly R. Riley, 3700 Benton Boulevard, Kansas City, Jackson County, Missouri 64128, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Terrie Fox, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Diane Janice Seif, 4341 NE Maplegate Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, Diane Janice Seif, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2004, while the Senate was not in session.

Joyce Shaul, 54598 Brickhouse Road, Jamestown, Moniteau County, Missouri 65046, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Charity F. Shelton, 1419 McVey Street, Mt. Vernon, Lawrence County, Missouri 65712, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2006, and until her successor is duly appointed and qualified; vice, John Scherr, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Shelly R. Shetley, 310 Northeast 94th Street, Apartment 118, Kansas City, Jackson County, Missouri 64155, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Malinda Crane, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Samuel L. Shipman, 5525 Bagnall Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Thomas L. Slaight, 4361 East Berkeley St., Springfield, Greene County, Missouri 65809, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, Thomas L. Slaight, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Charles P. Smith, 2426 Maple Crossing Dr., Wildwood, St. Louis County, Missouri 63011, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 20, 2004, while the Senate was not in session.

Richard H. Strecker, 2204 Julie Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Terry Jackson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 7, 2004, while the Senate was not in session.

Conrad H. Sutton, 2758 State Route 76, #1, Willow Springs, Howell County, Missouri 65793, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 1, 2004, while the Senate was not in session.

Sherri Talbott, 6113 Queens Court, House Springs, Jefferson County, Missouri 63051, as a member of the Public School Retirement System of Missouri, Board of Trustees, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Sherri Talbott, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on June 18, 2004, while the Senate was not in session.

Mary Zabawa Taylor, 7036 Westmoreland, St. Louis, St. Louis County, Missouri 63130, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, Karen Pack, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 8, 2004, while the Senate was not in session.

Akilis M. Theoharidis, D.P.M., Republican, 5987 North Kansas Avenue, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Donald E. Clark, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

Cheryl Thruston, 215 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2004, while the Senate was not in session.

Hillred Kay Thurston, R.N., 1010 Meadow Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 2, 2004, while the Senate was not in session.

Reginald H. Turnbull, 135 Forest Hill Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, Shera Kafka, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 19, 2004, while the Senate was not in session.

Deborah K. Waller, 225 Bradley, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Cosmetology, for a term ending August 14, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 29, 2004, while the Senate was not in session.

Clifford I. Whipple, Republican, 2721 South Claremont, Springfield, Greene County, Missouri 65804, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 23, 2004, while the Senate was not in session.

Donald L. Wolff, Democrat, 11732 Tarrytown, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 30, 2004, while the Senate was not in session.

A. Marie Young, 7232 North Monroe, Gladstone, Clay County, Missouri 64119, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-third General Assembly, First Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives of the Ninety-third General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker Rod Jetton

Speaker Pro Tem Carl Bearden

Chief Clerk Stephen S. Davis

Doorkeeper Alexander Graham Bell

Sergeant-at-Arms Ralph Robinett

Chaplains Father David Buescher and

Reverend James Earl Jackson

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-third General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 12, 2005, to receive a message from His Honor Ronnie L. White, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and Senate of the Ninety-third General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED by the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 26, 2005, to receive a message from His Excellency, the Honorable Matt Blunt, Governor of the State of Missouri; and

BE IT RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-third General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

**FIRST READING OF
PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1-By Loudon, Klindt, Crowell and Cauthorn.

An Act to repeal sections 287.020, 287.063, 287.067, 287.120, 287.140, 287.143, 287.150, 287.170, 287.190, 287.380, 287.390, 287.420, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof fifteen new sections relating to workers' compensation, with penalty provisions.

SB 2-By Loudon and Gross.

An Act to repeal sections 188.080 and 197.200, RSMo, and to enact in lieu thereof three new sections relating to abortion services, with penalty provisions.

SB 3-By Loudon.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to adoption tax credits.

SB 4-By Klindt.

An Act to repeal sections 115.225, 115.237, 115.249, 115.439, 115.449, and 115.453, RSMo, and to enact in lieu thereof six new sections relating to voting a straight political party ticket.

SB 5-By Klindt.

An Act to repeal section 394.312, RSMo, and to enact in lieu thereof two new sections relating to electric service to annexed areas, with an effective date and an emergency clause for a certain section.

SB 6-By Klindt.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

SB 7-By Dougherty.

An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.312, and 701.320, RSMo, and to enact in lieu thereof nine new sections relating to lead poisoning, with penalty provisions.

SB 8-By Dougherty.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the children's environmental health and protection advisory council.

SB 9-By Dougherty.

An Act to repeal section 195.214, RSMo, and to enact in lieu thereof one new section relating to distribution of controlled substances near schools, with a penalty provision.

SB 10-By Cauthorn, Champion and Stouffer.

An Act to repeal section 195.417, RSMo, and to enact in lieu thereof one new section relating to drug regulations, with penalty provisions.

SB 11-By Cauthorn.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

SB 12-By Cauthorn and Klindt.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear, with penalty provisions.

SB 13-By Kennedy.

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund.

SB 14-By Kennedy.

An Act to amend chapter 335, RSMo, by adding thereto one new section relating to registered nurse first assistants.

SB 15-By Kennedy.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for persons assisting disabled citizens, with an expiration date.

SB 16-By Coleman.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing discretion.

SB 17-By Coleman.

An Act to amend chapter 534, RSMo, by adding thereto one new section relating to unlawful detainer actions.

SB 18-By Coleman.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income tax exemptions for military pensions, with an effective date.

SB 19-By Shields.

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof eleven new sections relating to state institutions of higher education.

SB 20-By Shields.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for teachers' expenses.

SB 21-By Shields.

An Act to repeal section 453.020, RSMo, and to enact in lieu thereof one new section relating to putative father registry.

SB 22-By Griesheimer.

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to the motor vehicle emissions inspection program.

SB 23-By Griesheimer and Kennedy.

An Act to repeal section 570.300, RSMo, and to enact in lieu thereof two new sections relating to the criminal use of audiovisual recording devices, with penalty provisions.

SB 24-By Griesheimer.

An Act to repeal section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house

committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof one new section relating to limitations on the use of law library funds.

SB 25-By Champion, Shields, Clemens, Nodler, Coleman, Scott and Purgason.

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to Southwest Missouri State University.

SB 26-By Champion and Wheeler.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof two new sections relating to eligibility for public assistance.

SB 27-By Champion.

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to controlled substances, with penalty provisions.

SB 28-By Dolan.

An Act to repeal section 191.905, RSMo, and to enact in lieu thereof one new section relating to multiple sclerosis.

SB 29-By Dolan.

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to outdoor advertising.

SB 30-By Dolan.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to the installation of motor vehicle airbags, with penalty provisions.

SB 31-By Bartle.

An Act to repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to the authority to construct, maintain, and operate toll facilities, with penalty provisions and a contingent effective date.

SB 32-By Bartle.

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof twelve new sections relating to sexually oriented businesses, with penalty provisions and a severability clause.

SB 33-By Bartle.

An Act to repeal section 287.815, RSMo, and to enact in lieu thereof one new section relating to the administrative law judge retirement system.

SB 34-By Clemens.

An Act to repeal section 288.035, RSMo, and to enact in lieu thereof one new section relating to unemployment compensation.

SB 35-Withdrawn.

SB 36-By Nodler.

An Act to repeal sections 174.450 and 174.453, RSMo, and to enact in lieu thereof two new sections relating to the numerical composition of the Board of Governors of Missouri Southern State University-Joplin.

SB 37-By Nodler.

An Act to repeal section 565.024, RSMo, and to enact in lieu thereof one new section relating to involuntary manslaughter, with penalty provisions.

SB 38-By Nodler and Taylor.

An Act to repeal section 227.340, RSMo, and to enact in lieu thereof one new section relating to the George Washington Carver Memorial Highway.

SB 39-By Bray.

An Act to repeal sections 208.556, 208.559, 208.568, and 208.574, RSMo, and to enact in lieu thereof nine new sections relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modernization Act of 2003, with a termination date for a certain section.

SB 40-By Bray.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to contraception.

SB 41-By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 42-By Days.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

SB 43-By Days.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

SB 44-By Wheeler and Bray.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to a tax deduction for organ donation, with an effective date.

SB 45-By Purgason.

An Act to repeal section 287.815, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for commission appointees.

SB 46-By Purgason.

An Act to repeal section 640.125, RSMo, and to enact in lieu thereof one new section relating to the public water systems.

SB 47-By Crowell.

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to the sales tax holiday, with an emergency clause.

SB 48-By Crowell.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to tuition rates for undergraduate students at institutions of higher education.

SB 49-By Crowell.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

SB 50-By Taylor and Nodler.

An Act to repeal sections 115.135, 115.155, and 115.160, RSMo, and to enact in lieu thereof three new sections relating to voter registration.

SB 51-By Taylor and Callahan.

An Act to repeal section 570.255, RSMo, and to enact in lieu thereof one new section relating to punishment, with penalty provisions.

SB 52-By Loudon.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the denial of noneconomic damages for injuries occurring during certain motor vehicle violations.

SB 53-By Loudon.

An Act to repeal sections 483.015 and 483.083, RSMo, and to enact in lieu thereof two new sections relating to the appointment of certain circuit clerks, with an effective date.

SB 54-By Loudon.

An Act to repeal sections 115.225, 115.237, 115.249, 115.439, 115.449, and 115.453, RSMo, and to enact in lieu thereof six new sections relating to voting a straight political party ticket.

SB 55-By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

SB 56-By Klindt.

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, and 260.342, RSMo, and to enact in lieu thereof eight new sections relating to scrap tires, with penalty provisions and an emergency clause.

SB 57-By Klindt.

An Act to amend chapter 381, RSMo, by adding thereto two new sections relating to title insurance.

SB 58-By Dougherty.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees.

SB 59-By Dougherty.

An Act to repeal sections 375.1300, 375.1303, 375.1306, and 375.1309, RSMo, and to enact in lieu thereof four new sections relating to genetic information.

SB 60-By Dougherty.

An Act to repeal sections 210.536 and 453.073, RSMo, and to enact in lieu thereof two new sections relating to foster care reimbursement rate.

SB 61-By Cauthorn.

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to sales taxes on certain items sold by canteens or commissaries.

SB 62-By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing.

SB 63-By Cauthorn.

An Act to repeal sections 143.121 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to income taxation.

SB 64-By Kennedy.

An Act to amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

SB 65-By Coleman.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs.

SB 66-By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition grants for certain dependents of military members.

SB 67-By Coleman.

An Act to repeal section 567.010, RSMo, and to enact in lieu thereof one new section relating to prostitution.

SB 68-By Shields.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from state and local sales and use tax.

SB 69-By Shields and Wheeler.

An Act to authorize the conveyance of property owned by the state in Jackson County to the City of Kansas City.

SB 70-By Shields.

An Act to repeal section 100.710, RSMo, and to enact in lieu thereof one new section relating to business use incentives for large-scale development.

SB 71-By Griesheimer.

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

SB 72-By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandated insurance coverage for computerized prosthetic devices.

SB 73-By Champion.

An Act to amend chapter 589, RSMo, by adding thereto one new section relating to sexual offender registry websites.

SB 74-By Champion.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

SB 75-By Champion and Wheeler.

An Act to repeal sections 208.568 and 208.574, RSMo, and to enact in lieu thereof seven new sections relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modernization Act of 2003, with a termination date for a certain section.

SB 76-By Dolan.

An Act repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to right-of-way at intersections, with penalty provisions.

SB 77-By Dolan.

An Act to repeal sections 238.202, 238.205, 238.207, 238.210, 238.215, 238.216, 238.217, 238.220, 238.225, 238.227, 238.233, 238.235, 238.236, 238.242, 238.252, 238.257, 238.272, and 238.275, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation development districts.

SB 78-By Dolan.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to intoxication-related traffic offenses, with penalty provisions.

SB 79-By Bartle.

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to gaming boat admission fees, with a referendum clause.

SB 80-By Bartle.

An Act to repeal section 99.845 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof one new section relating to tax increment financing.

SB 81-By Bartle.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid to the public schools of this state.

SB 82-By Bray.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to health care disclosure.

SB 83-By Bray.

An Act to repeal sections 379.316, 383.150, 538.210 and 538.225, RSMo, and to enact in lieu thereof seventeen new sections relating to medical malpractice, with an emergency clause.

SB 84-By Bray.

An Act to repeal section 115.315, RSMo, and to enact in lieu thereof one new section relating to the formation of a new political party.

SB 85-By Crowell.

An Act to repeal sections 160.534 and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

SB 86-By Crowell.

An Act to repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to eminent domain.

SB 87-By Klindt.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ schools reimbursement.

SB 88-By Klindt.

An Act to repeal section 261.241, RSMo, and to enact in lieu thereof two new sections relating to food inspection.

SB 89-By Dougherty.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to postsecondary education for foster children.

SB 90-By Dougherty.

An Act to repeal section 195.070, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

SB 91-By Dougherty.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ school reimbursements.

SB 92-By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the National Rifle Association license plate.

SB 93-By Cauthorn.

An Act to repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to the endangerment of corrections personnel, with penalty provisions.

SB 94-By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to respect life license plates.

SB 95-By Coleman.

An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.312, and 701.320, RSMo, and to enact in lieu thereof nine new sections relating to lead poisoning, with penalty provisions.

SB 96-By Coleman.

An Act to repeal section 569.100, RSMo, and to enact in lieu thereof one new section relating to property damage of a motor vehicle.

SB 97-By Coleman and Champion.

An Act to repeal sections 173.005, 174.020, 174.300, 174.310, and 174.320, RSMo, and to enact in lieu thereof five new sections relating to Harris-Stowe State College.

SB 98-By Champion, Shields, Clemens, Scott, Coleman, Purgason and Nodler.

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof fourteen new sections relating to state institutions of higher education.

SB 99-By Champion.

An Act to repeal section 620.602, RSMo, and to enact in lieu thereof one new section relating to the joint committee on economic development policy and planning.

SB 100-By Champion.

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

SB 101-By Dolan.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to motor fuel taxes.

SB 102-By Bartle.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to special education services in school districts located at least partially in Jackson County.

SB 103-By Bartle.

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to pupil residency waiver requests, with penalty provisions.

SB 104-By Bartle.

An Act to repeal section 211.447, RSMo, and to enact in lieu thereof one new section relating to parental rights.

SB 105-By Bray.

An Act to repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to culinary students who taste, but do not consume,

certain alcoholic beverages for instructional purposes, with penalty provisions.

SB 106-By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 107-By Bray.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to the consumer's right to know, with penalty provisions.

SB 108-By Dougherty.

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to community services for children.

SB 109-By Dougherty.

An Act to repeal section 168.104, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

SB 110-By Dougherty.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance reimbursement for licensed professional counselors.

SB 111-By Cauthorn.

An Act to repeal section 288.050, RSMo, and to enact in lieu thereof two new sections relating to labor and industrial relations.

SB 112-By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to recall elections for school board members.

SB 113-By Coleman.

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review boards.

SB 114-By Champion.

An Act to repeal section 174.450, RSMo, and to enact in lieu thereof one new section relating to the governing board of Southwest Missouri State University.

SB 115-By Bartle.

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

SB 116-By Bartle.

An Act to repeal sections 160.534 and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

SB 117-Withdrawn.

SB 118-By Bray.

An Act to repeal sections 168.114, 168.116, 168.118, and 168.120, RSMo, and to enact in lieu thereof four new sections relating to teachers of the public schools.

SB 119-By Bray.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

SB 120-By Bray.

An Act to repeal sections 36.390, 106.010, 168.116, and 168.118, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee due process.

SB 121-By Bray.

An Act to amend chapters 42 and 630, RSMo, by adding thereto ten new sections relating to the safe staffing and quality care accountability act.

SB 122-By Nodler.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the creation of the energy efficiency implementation act.

SB 123-By Bartle.

An Act to repeal sections 351.107, 351.180, 351.182, 351.295, and 351.405, RSMo, and to enact in lieu thereof five new sections relating to corporations.

SB 124-By Nodler.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the recovery of costs by electrical corporations, with an emergency clause.

SB 125-By Taylor.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to a motor fuel tax exemption for school districts.

SB 126-Withdrawn.

SB 127-Withdrawn.

SB 128-By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to radio frequency identification tags (RFID).

SB 129-By Vogel.

An Act to repeal sections 288.030 and 288.190, RSMo, and to enact in lieu thereof two new sections relating to employment security.

SB 130-By Clemens.

An Act to repeal section 287.020, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

SB 131-By Loudon.

An Act to repeal sections 375.532 and 376.300, RSMo, and to enact in lieu thereof two new sections relating to insurance company investment in preferred stocks.

SB 132-By Ridgeway.

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

SB 133-By Loudon and Gross.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to cafeteria plans for state employees.

SB 134-By Wheeler.

An Act to amend chapter 82, RSMo, by adding thereto five new sections relating to city ordinances.

SB 135-By Wheeler.

An Act to repeal sections 447.620, 447.622, 447.625, and 447.640, RSMo, and to enact in lieu thereof four new sections relating to economic development in residential neighborhoods through rehabilitation of abandoned properties by certain organizations.

SB 136-By Champion.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the Missouri School Improvement Program.

SB 137-By Taylor.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to insurance companies owning or contracting with certain motor vehicle repair shops, with penalty provisions.

SB 138-By Wheeler.

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

SB 139-By Wheeler.

An Act to repeal section 82.1025, RSMo, and to enact in lieu thereof one new section relating to standing to file private nuisance actions.

SB 140-By Days.

An Act to amend chapter 103, RSMo, by adding thereto two new sections relating to the health plan for state employees, with an emergency clause and an effective date.

SB 141-By Nodler.

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the licensure of dealers who sell emergency vehicles.

SB 142-By Gross.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

SB 143-By Gross.

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to the pharmacy providers tax, with an emergency clause.

SB 144-By Gross.

An Act to repeal section 478.600, RSMo, and to enact in lieu thereof one new section relating to the eleventh judicial circuit.

SB 145-By Dougherty.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to credit risk scores.

SB 146-By Dougherty.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to air quality in schools.

SB 147-By Cauthorn.

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri qualified biodiesel producer incentive fund.

SB 148-By Nodler.

An Act to repeal sections 444.762, 444.765, 444.767, and 444.770, RSMo, and to enact in lieu thereof four new sections relating to environmental regulation.

SB 149-By Nodler.

An Act to repeal section 36.390, RSMo, and to enact in lieu thereof one new section relating to state personnel law.

SB 150-By Green.

An Act to amend chapter 37, RSMo, by adding thereto ten new sections relating to oversight of public privatization contracts, with an emergency clause.

SB 151-By Green.

An Act to repeal section 103.003, RSMo, and to enact in lieu thereof one new section relating to health plans for state employees, with an effective date.

SB 152-By Wilson.

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.

SJR 1-By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

SJR 2-By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the budget reserve fund.

SJR 3-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation sales tax.

SJR 4-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation of elementary and secondary school students.

SJR 5-By Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4 and 6 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to minimum age requirements for members of the general assembly.

SJR 6-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, relating to the Missouri savings account fund.

SJR 7-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 29 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation.

SJR 8-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to preservation of harvest heritage.

SJR 9-By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legislative sessions of the general assembly.

SJR 10-By Purgason.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 44 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bird, fish, game, wildlife, or forestry resources.

SJR 11-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

SJR 12-By Taylor.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 153-By Graham.

An Act to repeal sections 660.600 and 660.603, RSMo, and to enact in lieu thereof two new sections relating to the long-term care ombudsman program.

SB 154-By Bray and Days.

An Act to repeal sections 193.085 and 193.087, RSMo, and to enact in lieu thereof three new sections relating to establishment of paternity.

SB 155-By Mayer.

An Act to repeal section 210.152, RSMo, and to enact in lieu thereof one new section relating to reporting of child abuse and neglect.

CONCURRENT RESOLUTIONS

President Pro Tem Gibbons offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 10, 2005; and

BE IT FURTHER RESOLVED that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointment:

Rules, Joint Rules, Resolutions and Ethics:

Shields, Chair

Ridgeway, Vice-chair

Gibbons

Gross

Dougherty

Bray

Green

RESOLUTIONS

Senator Scott offered Senate Resolution No. 12, regarding William H. Marchbanks, D.D.S., Windsor, which was adopted.

Senator Gibbons offered the following resolution:

SENATE RESOLUTION NO. 13

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Fifteenth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, First Regular Session, that Senate Rules 25 and 28 of the temporary rules adopted January 5, 2005, be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families, Mental and Public Health, 9 members.
3. Committee on Agriculture, Conservation, Parks and Natural Resources, [10] **9** members.
4. Committee on Appropriations, [13] **10** members.
5. Committee on Commerce, **Energy** and the Environment, [10] **9** members.
6. Committee on Economic Development, Tourism and Local Government, 9 members.
7. Committee on Education, [12] **9** members.
8. Committee on Financial and Governmental [Organization, Veterans' Affairs] **Organizations** and Elections, [10] **9** members.
9. Committee on Governmental Accountability and Fiscal Oversight, [9] **5** members.
10. Committee on Gubernatorial Appointments, 9 members.
11. Committee on the Judiciary and Civil and Criminal Jurisprudence, 9 members.
12. [Committee on Legislative Research (statutory), 10 members.
- 13.] Committee on Pensions, **Veterans' Affairs** and General Laws, [8] **9** members.
- [14.] **13**. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
- [15.] **14**. Committee on Small Business, Insurance and Industrial Relations, [12] **9** members.

[16.] **15.** Committee on Transportation, [11] **9** members.

[17.] **16.** Committee on Ways and Means, [7] **9** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families, Mental and Public Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children's issues, mental health, mental retardation and developmental disabilities. It shall also consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operations and alternative state health care proposals.

3. The Committee on Agriculture, Conservation, Parks and Natural Resources shall consider all questions and report on all bills, resolutions, regulatory matters, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife and game refuges.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Commerce, **Energy** and the Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce, the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

6. The Committee on Economic Development, Tourism and Local Government shall consider all questions and report on all bills referred to it relating to the promotion of economic development, tourism and the promotion of tourism as a state industry, community and business development, county government, township organizations and political subdivisions.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental [Organization, Veterans' Affairs] **Organizations** and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law [and to military organizations] and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Governmental Accountability and Fiscal Oversight shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during any of the first three years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on Governmental Accountability and Fiscal Oversight for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during any of the first three years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on Governmental Accountability and Fiscal Oversight. The author or first-named sponsor of a bill referred to the Committee on Governmental Accountability and Fiscal Oversight shall be entitled to a hearing on his/her bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on Governmental Accountability and Fiscal Oversight may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee. The committee shall also hear all bills referred to it relating to budget reform, governmental efficiency and management.

10. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

11. The Committee on the Judiciary and Civil and Criminal Jurisprudence shall consider all questions and bills relating to the judicial department of the state including civil procedure and the criminal laws of this state, criminal costs and all related matters; and shall examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation. The Committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

12. [The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

13.] The Committee on Pensions, **Veterans' Affairs** and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning **veterans' affairs** and general topics.

[14.] **13.** The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by

which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[15.] **14.** The Committee on Small Business, Insurance and Industrial Relations shall take into consideration all matters referred to it relating to the ownership and operation of small businesses; life, accident, indemnity and other forms of insurance; and all matters relating to urban renewal and housing. The committee shall also take into consideration and report on all bills relating to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[16.] **15.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[17.] **16.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming."

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, his parents, Michael, Sr. and Folsta Sara; his wife, Liz; and their children, Danny O'Neill and Meredith Gibbons, Kirkwood.

Senator Gibbons introduced to the Senate, Leslie Harrelson, Columbia.

Senator Gross introduced to the Senate, his wife, Leslie; their daughters, Megan and Madelynn; and his mother, Margaret, St. Charles.

Senator Loudon introduced to the Senate, his wife, Gina; and their children, Lyda, Lily Love and John William "Jack", Ballwin.

Senator Crowell introduced to the Senate, his father, Terry E. and his mother, Terry A. Crowell; and his niece, Morgan Crowell, Cape Girardeau.

Senator Purgason introduced to the Senate, his wife, Janet; and their children, Cory and Tracey, Caulfield.

Senator Wilson introduced to the Senate, her husband, James; their daughter, Alycia Nichols; Ron Finley, Kansas City; and Darsel Richmond, Jefferson City.

Senator Taylor introduced to the Senate, his wife, Gay; and their daughter, Jamie, Shell Knob; and Stan and Cindy Melton, Cassville.

Senator Kennedy introduced to the Senate, Helen Finegar, St. Louis County; Alderman Jim Shrewsbury, and his daughter, Gena Shrewsbury; Jim Majewski and Janet Feldmeier, St. Louis; and Matt Cologne, Jefferson City.

Senator Loudon introduced to the Senate, Mary Bax and Beth Anne Roberts, Ballwin; Evan Milnor, Alton, Illinois; and Lauren Stiffelman, Manchester.

Senator Graham introduced to the Senate, his father and stepmother, Andrew Graham and Magda Esebua; his brother, Drew Graham; and Patti DeMarco, Eric Stockton, Mike McGinnis, Matt Ford, Ted Farnen, Todd Fletcher, Rodney Halbert and Tracy Hoffman, Columbia; his uncle, Gene Suddarth, Louisiana; Rich Blakeley, Viburnum; and Karen Prins, Ashland.

Senator Stouffer introduced to the Senate, his wife, Sue Ellen; their son, Rob and daughter-in-law, Rachel, and their children, Bennett and Madeline, Lee's Summit; and their son Bert and daughter-in-law, Jackie, and their children, Jake and Will, Liberty; Gabe and Joyce Ramsey, Marshall; Rick and Linda Rice, Jefferson City; Jim Willis, Bevier; Gary Harris, Boonville; and Joyce and Chuck Davis, Napton.

Senator Mayer introduced to the Senate, his wife Nancy; their sons, Jason, Dustin and Daniel; his mother Marjean; and his mother-in-law, Marilyn Tuley, Dexter.

Senator Engler introduced to the Senate, his wife, Chris, Farmington; his daughter, Aimee Washam, Springfield; his mother-in-law, Billie Baptiste, Ventura, California; and Jarad Falk, Farmington.

Senator Koster introduced to the Senate, his mother, Patricia Koster Thompson and step-father, Bob Thompson, St. Charles; his brothers, Mark and Patrick, St. Louis County; and Danny Pfeifer, Kansas City.

Senator Griesheimer introduced to the Senate, former State Representative Charlie Nordwald and his wife, Nina, Warrenton; and Bill and Carolyn Case, Jefferson City.

Senator Loudon introduced to the Senate, Mark Meuser, Jefferson City.

Senator Green introduced to the Senate, Judy

and David Vanderfeltz, Westphalia; and Jim and Judy Kolb, Jefferson City.

Senator Shields introduced to the Senate, his wife, Brenda; and their son, Brandt, St. Joseph.

Senator Dougherty introduced to the Senate, Alderwoman Jennifer Florida, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Tom Saak, M.D., Ellisville.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY-THURSDAY, JANUARY 6, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Loudon, et al

SB 2-Loudon and Gross

SB 3-Loudon

SB 4-Klindt

SB 5-Klindt

SB 6-Klindt

SB 7-Dougherty

SB 8-Dougherty

SB 9-Dougherty

SB 10-Cauthorn, et al

SB 11-Cauthorn

SB 12-Cauthorn and Klindt

SB 13-Kennedy

SB 14-Kennedy

SB 15-Kennedy

SB 16-Coleman

SB 17-Coleman

SB 18-Coleman

SB 19-Shields

SB 20-Shields

SB 21-Shields

SB 22-Griesheimer

SB 23-Griesheimer and Kennedy

SB 24-Griesheimer

SB 25-Champion, et al

SB 26-Champion and Wheeler

SB 27-Champion

SB 28-Dolan

SB 29-Dolan

SB 30-Dolan

SB 31-Bartle

SB 32-Bartle

SB 33-Bartle

SB 34-Clemens

SB 36-Nodler

SB 37-Nodler

SB 38-Nodler and Taylor

SB 39-Bray

SB 40-Bray

SB 41-Bray

SB 42-Days

SB 43-Days

SB 44-Wheeler and Bray

SB 45-Purgason

SB 46-Purgason

SB 47-Crowell

SB 48-Crowell

SB 49-Crowell

SB 50-Taylor and Nodler

SB 51-Taylor and Callahan

SB 52-Loudon

SB 53-Loudon

SB 54-Loudon

SB 55-Klindt

SB 56-Klindt

SB 57-Klindt

SB 58-Dougherty

SB 59-Dougherty

SB 60-Dougherty

SB 61-Cauthorn

SB 62-Cauthorn

SB 63-Cauthorn

SB 64-Kennedy

SB 65-Coleman

SB 66-Coleman

SB 67-Coleman

SB 68-Shields

SB 69-Shields and Wheeler

SB 70-Shields

SB 71-Griesheimer

SB 72-Griesheimer

SB 73-Champion

SB 74-Champion

SB 75-Champion and Wheeler

SB 76-Dolan

SB 77-Dolan

SB 78-Dolan

SB 79-Bartle

SB 80-Bartle

SB 81-Bartle

SB 82-Bray

SB 83-Bray

SB 84-Bray

SB 85-Crowell

SB 86-Crowell

SB 87-Klindt

SB 88-Klindt

SB 89-Dougherty

SB 90-Dougherty

SB 91-Dougherty

SB 92-Cauthorn

SB 93-Cauthorn

SB 94-Cauthorn

SB 95-Coleman

SB 96-Coleman

SB 97-Coleman and Champion

SB 98-Champion, et al

SB 99-Champion

SB 100-Champion

SB 101-Dolan

SB 102-Bartle

SB 103-Bartle

SB 104-Bartle

SB 105-Bray

SB 106-Bray

SB 107-Bray

SB 108-Dougherty

SB 109-Dougherty

SB 110-Dougherty

SB 111-Cauthorn

SB 112-Coleman

SB 113-Coleman

SB 114-Champion

SB 115-Bartle

SB 116-Bartle

SB 118-Bray

SB 119-Bray

SB 120-Bray

SB 121-Bray

SB 122-Nodler

SB 123-Bartle

SB 124-Nodler

SB 125-Taylor

SB 128-Coleman

SB 129-Vogel

SB 130-Clemens

SB 131-Loudon

SB 132-Ridgeway

SB 133-Loudon and Gross

SB 134-Wheeler
SB 135-Wheeler
SB 136-Champion
SB 137-Taylor
SB 138-Wheeler
SB 139-Wheeler
SB 140-Days
SB 141-Nodler
SB 142-Gross
SB 143-Gross
SB 144-Gross
SB 145-Dougherty
SB 146-Dougherty
SB 147-Cauthorn
SB 148-Nodler
SB 149-Nodler
SB 150-Green
SB 151-Green
SB 152-Wilson
SB 153-Graham
SB 154-Bray and Days
SB 155-Mayer
SJR 1-Klindt

SJR 2-Klindt
SJR 3-Cauthorn
SJR 4-Cauthorn
SJR 5-Coleman
SJR 6-Bartle
SJR 7-Bartle
SJR 8-Bartle
SJR 9-Clemens
SJR 10-Purgason
SJR 11-Bartle
SJR 12-Taylor

Resolutions

SR 13-Gibbons

SCR 1-Gibbons

HCR 1-Dempsey (Shields)

HCR 2-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 6, 2005

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

God of Light, the Christian world celebrates this day as the Epiphany of the Lord and we are mindful that You have made Your light known in our world and continue to reveal Yourself to Your people. Bless us now with such illumination that we may know You and others may see that light in us. Let us experience Your gentle directing us to do that which is right and according to Your will for each of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 14, regarding Al Stoverink, Cape Girardeau, which was adopted.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 15

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Crowell offered Senate Resolution No. 16, regarding Anna Grace Hennemann, which was adopted.

Senator Gibbons moved that **SR 13** be taken up for adoption, which motion prevailed.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 13, appearing on Page 36 of the Senate Journal for Wednesday, January 5, 2005, Column 1, Line 32 of said column, by striking the words "and statutory"; and further amend line 38 of said column, by striking the number "10" and inserting in lieu thereof the following: "**9**"; and

Further amend said resolution and page, column 2, line 1 of said column, by striking the number "5" and inserting in lieu thereof the following: "**6**"; and further amend line 20 of said column, by striking the words "and statutory".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Gibbons, **SA 13**, as amended, was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman
Stoll	Stouffer	Taylor	Vogel
Wheeler	Wilson--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 1** was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Steelman

Stoll
Wheeler

Stouffer
Wilson--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

Taylor

Vogel

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee, pursuant to **SCR 1**: Senators Callahan, Cauthorn, Champion, Clemens, Coleman, Dolan, Gibbons, Graham, Griesheimer, Gross, Green, Klindt, Loudon, Scott, Shields, Vogel, Wheeler, and Wilson.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 156-By Shields.

An Act to repeal sections 68.020 and 68.025, RSMo, and to enact in lieu thereof two new sections relating to port authorities.

SB 157-By Crowell.

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund.

COMMUNICATIONS

Senator Shields submitted the following:

January 6, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's 15th Senate District Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

15th Senate District Caucus:

- Senator Michael R. Gibbons
- Representative Richard Byrd
- Representative Jim Avery
- Representative Margaret Donnelly
- Representative Kathlyn Fares
- Representative Jim Lembke
- Representative Scott Muschany
- Representative Charles Portwood
- Representative Neal St. Onge
- Representative Jodi Stefanick
- Representative Michael Vogt

Also,

January 6, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Senate Democratic Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Senate Democratic Caucus:

Joan Bray

Victor Callahan

Maida Coleman

Rita Days

Patrick Dougherty

Chuck Graham

Timothy Green

Harry Kennedy

Stephen Stoll

Charles Wheeler

Yvonne Wilson

Also,

January 6, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's St. Charles County Area Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

St. Charles County Area Caucus:

Senator Chuck Gross

Senator Jon Dolan

Representative Carl Bearden

Representative Tom Dempsey

Representative Sherman Parker

Representative Scott Rupp

Representative Joe Smith

Representative Vicki Schneider

Representative Cynthia Davis

Representative Kevin Threlkeld

Representative Sally Faith

Also,

January 6, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Senate Republican Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Senate Republican Caucus:

Matt Bartle

John Cauthorn

Norma Champion

Dan Clemens

Jason Crowell

Jon Dolan

Kevin Engler

Michael Gibbons

John Griesheimer

Chuck Gross

David Klindt

Chris Koster

John Loudon

Robert Mayer

Gary Nodler

Chuck Purgason

Luann Ridgeway

Delbert L. Scott

Charles W. Shields

Sarah Steelman

Bill Stouffer

Larry Gene Taylor

Carl Vogel

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following committee appointments:

ADMINISTRATION

Gibbons, Chair

Shields, Vice-Chair

Klindt

Coleman

Dougherty

AGING, FAMILIES, MENTAL AND PUBLIC HEALTH

Champion, Chair

Bartle, Vice-Chair

Stouffer

Clemens

Dolan

Taylor

Dougherty

Kennedy

Wheeler

AGRICULTURE, CONSERVATION, PARKS AND

NATURAL RESOURCES

Clemens, Chair

Stouffer, Vice-Chair

Cauthorn

Klindt

Mayer

Purgason

Coleman

Wheeler

Graham

APPROPRIATIONS

Gross, Chair

Nodler, Vice-Chair

Champion

Mayer

Purgason

Ridgeway

Dougherty

Bray

Wilson

COMMERCE, ENERGY AND THE ENVIRONMENT

Klindt, Chair

Engler, Vice-Chair

Dolan

Griesheimer

Ridgeway

Bartle

Bray

Callahan

Green

ECONOMIC DEVELOPMENT, TOURISM AND LOCAL GOVERNMENT

Griesheimer, Chair

Taylor, Vice-Chair

Crowell

Engler

Koster

Vogel

Kennedy

Wheeler

Wilson

EDUCATION

Nodler, Chair

Champion, Vice-Chair

Engler

Loudon

Mayer

Shields

Days

Wilson

Graham

FINANCIAL, GOVERNMENTAL ORGANIZATIONS, AND ELECTIONS

Scott, Chair

Crowell, Vice-Chair

Dolan

Engler

Koster

Nodler

Kennedy

Coleman

Wilson

GOVERNMENTAL ACCOUNTABILITY AND FISCAL

OVERSIGHT

Cauthorn, Chair

Loudon, Vice-Chair

Nodler

Stouffer

Days

Green

GUBERNATORIAL APPOINTMENTS

Gibbons, Chair

Shields, Vice-Chair

Crowell

Gross

Loudon

Purgason

Coleman

Callahan

Graham

JUDICIARY AND CIVIL AND CRIMINAL

JURISPRUDENCE

Bartle, Chair

Mayer, Vice-Chair

Koster

Loudon

Crowell

Vogel

Callahan

Wheeler

Graham

PENSIONS, VETERANS' AFFAIRS AND GENERAL LAWS

Crowell, Chair

Purgason, Vice-Chair

Scott

Gibbons

Koster

Ridgeway

Dougherty

Kennedy

Graham

SMALL BUSINESS, INSURANCE AND INDUSTRIAL

RELATIONS

Loudon, Chair

Vogel, Vice-Chair

Cauthorn

Klindt

Clemens

Scott

Days

Callahan

Green

TRANSPORTATION

Dolan, Chair

Griesheimer, Vice-Chair

Stouffer

Taylor

Bartle

Scott

Days

Bray

Callahan

WAYS AND MEANS

Vogel, Chair

Koster, Vice-Chair

Cauthorn

Griesheimer

Champion

Taylor

Coleman

Bray

Callahan

COMMUNICATIONS

Senator Stoll submitted the following:

January 6, 2005

The Honorable Joe Maxwell

Lieutenant Governor

State of Missouri

State Capitol, Room 121

Jefferson City, MO 65101

Dear Lieutenant Governor Maxwell:

I hereby resign my office as State Senator, District 22, effective January 6, 2005 at 12:00 noon.

Sincerely,

/s/ Stephen M. Stoll

Stephen M. Stoll

State Senator, 22nd District

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 17, regarding Ronald Timothy Kramer, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 18, regarding David Daniel Kramer, Kirkwood, which was adopted.

Senator Klindt offered Senate Resolution No. 19, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Orville Palmer, Trenton, which was

adopted.

Senator Klindt offered Senate Resolution No. 20, regarding Dr. William Chadwick McCoy, Chillicothe, which was adopted.

Senator Shields offered Senate Resolution No. 21, regarding the National Multiple Sclerosis Society, which was adopted.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Monday, January 10, 2005.

SENATE CALENDAR

THIRD DAY-MONDAY, JANUARY 10, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Loudon, et al

SB 2-Loudon and Gross

SB 3-Loudon

SB 4-Klindt

SB 5-Klindt

SB 6-Klindt

SB 7-Dougherty

SB 8-Dougherty

SB 9-Dougherty

SB 10-Cauthorn, et al

SB 11-Cauthorn

SB 12-Cauthorn and Klindt

SB 13-Kennedy

SB 14-Kennedy

SB 15-Kennedy

SB 16-Coleman

SB 17-Coleman

SB 18-Coleman

SB 19-Shields

SB 20-Shields

SB 21-Shields

SB 22-Griesheimer

SB 23-Griesheimer and Kennedy

SB 24-Griesheimer

SB 25-Champion, et al

SB 26-Champion and Wheeler

SB 27-Champion

SB 28-Dolan

SB 29-Dolan

SB 30-Dolan

SB 31-Bartle

SB 32-Bartle

SB 33-Bartle

SB 34-Clemens

SB 36-Nodler

SB 37-Nodler

SB 38-Nodler and Taylor

SB 39-Bray

SB 40-Bray

SB 41-Bray

SB 42-Days

SB 43-Days

SB 44-Wheeler and Bray

SB 45-Purgason

SB 46-Purgason

SB 47-Crowell

SB 48-Crowell

SB 49-Crowell

SB 50-Taylor and Nodler

SB 51-Taylor and Callahan

SB 52-Loudon

SB 53-Loudon

SB 54-Loudon

SB 55-Klindt

SB 56-Klindt

SB 57-Klindt

SB 58-Dougherty

SB 59-Dougherty

SB 60-Dougherty

SB 61-Cauthorn

SB 62-Cauthorn

SB 63-Cauthorn

SB 64-Kennedy

SB 65-Coleman

SB 66-Coleman

SB 67-Coleman

SB 68-Shields

SB 69-Shields and Wheeler

SB 70-Shields

SB 71-Griesheimer

SB 72-Griesheimer

SB 73-Champion

SB 74-Champion

SB 75-Champion and Wheeler

SB 76-Dolan

SB 77-Dolan

SB 78-Dolan

SB 79-Bartle

SB 80-Bartle

SB 81-Bartle

SB 82-Bray

SB 83-Bray

SB 84-Bray

SB 85-Crowell

SB 86-Crowell

SB 87-Klindt

SB 88-Klindt

SB 89-Dougherty

SB 90-Dougherty

SB 91-Dougherty

SB 92-Cauthorn

SB 93-Cauthorn

SB 94-Cauthorn

SB 95-Coleman

SB 96-Coleman

SB 97-Coleman and Champion

SB 98-Champion, et al

SB 99-Champion

SB 100-Champion

SB 101-Dolan

SB 102-Bartle

SB 103-Bartle

SB 104-Bartle

SB 105-Bray

SB 106-Bray

SB 107-Bray

SB 108-Dougherty

SB 109-Dougherty

SB 110-Dougherty

SB 111-Cauthorn

SB 112-Coleman

SB 113-Coleman

SB 114-Champion

SB 115-Bartle

SB 116-Bartle

SB 118-Bray

SB 119-Bray

SB 120-Bray

SB 121-Bray

SB 122-Nodler

SB 123-Bartle

SB 124-Nodler

SB 125-Taylor

SB 128-Coleman

SB 129-Vogel

SB 130-Clemens

SB 131-Loudon

SB 132-Ridgeway

SB 133-Loudon and Gross

SB 134-Wheeler

SB 135-Wheeler

SB 136-Champion

SB 137-Taylor

SB 138-Wheeler

SB 139-Wheeler

SB 140-Days

SB 141-Nodler

SB 142-Gross

SB 143-Gross

SB 144-Gross

SB 145-Dougherty

SB 146-Dougherty

SB 147-Cauthorn

SB 148-Nodler

SB 149-Nodler

SB 150-Green

SB 151-Green

SB 152-Wilson

SB 153-Graham

SB 154-Bray and Days

SB 155-Mayer

SB 156-Shields

SB 157-Crowell

SJR 1-Klindt

SJR 2-Klindt

SJR 3-Cauthorn

SJR 4-Cauthorn

SJR 5-Coleman

SJR 6-Bartle

SJR 7-Bartle

SJR 8-Bartle

SJR 9-Clemens

SJR 10-Purgason

SJR 11-Bartle

SJR 12-Taylor

Resolutions

HCR 1-Dempsey (Shields)

HCR 2-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 10, 2005

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Let your eyes look directly forward and your gaze be straight before you. Take heed to the path of your feet and then all your ways will be sure."
(Psalm 4:25)

Gracious God, we look into the future of this new year with many things to distract us from accomplishing what is needful and required of us. Guide and direct us this week as we celebrate this time of new beginnings, new leadership and shared responsibilities that we are called to meet. Keep us on a straight path and let us see what must be done and set our hearts and minds to do it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 6, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senator Steelman--1			
Vacancies--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 22, regarding Kwai Lum Young, D.D.S., M.S.P.H., Camdenton, which was adopted.

Senator Bray offered Senate Resolution No. 23, regarding the Seventieth Birthday of Stanley Schechter, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 24, regarding Central High School Marching Band, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 25, regarding Meg Davis, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 26, regarding Tim Blattner, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 27, regarding Dan Cotner, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 28, regarding George Foster, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 29, regarding Tom Meyer, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 30, regarding Doug Richards, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 31, regarding Jim Watkins, Cape Girardeau, which was adopted.

Senator Green offered Senate Resolution No. 32, regarding Karen McKay, Florissant, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the following Representatives have been appointed to act with a like committee from the Senate pursuant to **SCR 1**. Representatives Baker 123, Chinn, Nance, Cunningham 145, Phillips, Roark, Icet, Moore, Behnen, Hobbs, Hunter, Henke, Villa, Harris 23, LeVota, Johnson 61, Wright-Jones, and Young.

Senator Shields moved that the Senate recess until 1:15 p.m. and the Senators repair to the south steps of the Capitol where they will meet the House of Representatives in Joint Session to witness the inauguration of the newly elected Governor, Matt Blunt, and receive his message, which motion prevailed.

JOINT ASSEMBLY

The Senate and the House of Representatives met in Joint Assembly on the steps of the Capitol and President Pro Tem Gibbons called the Joint Assembly to order.

Governor-elect Matt Blunt and Governor Bob Holden were conducted to their places on the Inaugural Platform by the Legislative Inaugural Committees of the 93rd General Assembly.

Welcome was extended by the Honorable Michael R. Gibbons, President Pro Tem of the Missouri Senate.

Presentation of Colors by the Joint Service Color Guard.

The Honorable Rod Jetton, Speaker of the House of Representatives, lead the audience in the Pledge of Allegiance to the Flag.

Mr. Neal E. Boyd, Cape Girardeau, sang the National Anthem.

The Invocation was offered by Monsignor Ted L. Wojcicki, President/Rector Kenrick-Glennon Seminary, St. Louis.

The House Inaugural Committee was introduced.

The Senate Inaugural Committee was introduced.

United States Senator Christopher S. Bond was introduced.

United States Senator Jim Talent was introduced.

Congressman Todd Akin was introduced.

Congressman Russ Carnahan was introduced.

Congressman Ike Skelton was introduced.

Congressman Sam Graves was introduced.

Congressman Roy Blunt was introduced.

Congresswoman Joann Emerson was introduced.

Congressman Kenny Hulshoff was introduced.

Outgoing Governor Bob Holden was introduced.

Outgoing First Lady Lori Holden was introduced.

The Chief Justice, Ronnie L. White, Judge Michael A. Wolff, Judge Laura Denvir Stith, Judge William Ray Price, Jr., Judge Richard B. Teitelman, Judge Stephen N. Limbaugh, Jr. and Judge Mary Rhodes Russell of the Missouri Supreme Court were introduced.

State Auditor Claire McCaskill was introduced.

U.S. Attorney General and former Missouri Governor John Ashcroft was introduced.

Judge Ronnie L. White, Chief Justice of the Supreme Court, administered the oath of office to Attorney General Jeremiah W. (Jay) Nixon.

The Honorable John W. Hearne, Attorney at Law, administered the oath of office to State Treasurer Sarah Steelman.

Judge Ronnie L. White, Chief Justice of the Supreme Court, administered the oath of office to Secretary of State Robin Carnahan.

Judge Stephen N. Limbaugh, Jr., Judge of the Supreme Court, administered the oath of office to Lieutenant Governor Peter D. Kinder.

The Army National Guard Band performed "National Emblem".

The oath of office was administered to Governor-elect Matt Blunt by Judge Limbaugh. Immediately after administration of the oath, military honors were rendered to Governor Blunt with the firing of a nineteen gun salute by 135th Field Artillery, MOARNG, Sedalia, Missouri.

Governor Blunt delivered his Inaugural Address.

My fellow Missourians,

I am grateful for the confidence you have placed in me. I sought this office knowing that the generous and able support of my fellow citizens would help me shoulder the many grave responsibilities that accompany the honor of leading this great state.

It will be my great purpose to lead Missouri in a new direction. I promised change in our state capitol. Missourians mandated change in both the tone and the priorities of our state government. Our shared desire for a future of great opportunity and achievement for every Missourian demands that we heed their counsel. Change begins today, at this hour, in this place.

We stand in the shadow of Jefferson who believed that a society founded upon the rule of law and liberty was dependent upon public education and the diffusion of knowledge. He correctly extolled the virtues of learning when he stated that, "No other sure foundation can be devised for the preservation of freedom and happiness."

Missouri's Constitution declares that education must be our first commitment. Even if we were not legally bound, we would be morally bound to serve the children of our state and the families who have placed their confidence in us.

We must fulfill this obligation. We must transcend partisan division. We must meet Jefferson's standard for enlightened government. We can no longer drift from the vision embraced by the Founders and our Constitution.

Working with your elected representatives, I will strive to ensure that every young Missourian has the education they deserve. Their future and our own depend upon it.

In the days ahead we must and will create an entrepreneurial climate where the spirit of free enterprise will flourish and aid the creation of good family supporting jobs. We must also remember that Missouri's future rests with the creativity and genius of the people - not in government programs.

Missourians deserve a government that promises no more than it can deliver and delivers everything it promises. Taxpayers deserve a government that harnesses technology to better serve the people. It is within our capacity to provide smaller and more responsible government.

In a government such as ours we have vigorous contests to determine who should lead. The recent election was no exception. Now we inaugurate a new government on a day that transcends any one individual or any one party.

Today, we begin the important task of working together to improve the lives of all Missourians. I commit all of my strength and energy to this good cause. As differing points of view compete, I encourage all to remember Jefferson's admonition that "every difference of opinion is not a difference of principle."

The government that we inaugurate today recommits itself to our shared principles. I stand before you today mindful of our shared aspiration for a government that better serves the people. We are united in our hope for a government that is frugal and wise. We remind ourselves that the values that spring from our soil and are cultivated in our homes and places of worship should be embraced rather than scorned.

The spirit and determination of the people to chart their own destiny is the greatest power for good in human affairs. The demands of the present must stand above the political habits of the past. When necessary, the needs of this hour have right to sweep aside the barriers that prevent Missourians from reaching their full potential.

We stand first among nations because of our hopefulness, our vision, and our desire for improvement. When we speak of the American dream, the dream that we describe centers not on the glories of the past, but on the possibilities of the future.

Over the next four years, we will be bold. We will be willing to experiment. We will not fear failure. We will bear setbacks with resolve and press forward with determined innovation. We will attack problems with the deliberation that accompanies this great responsibility and with the energy necessary to build a better Missouri.

Missouri can lead America in solving many of the problems that challenge our country. Our workers are ready, eager and able to meet the tests of the global economy. Missouri's teachers are dedicated to preparing our young people for a future of opportunity.

We are fortunate to have many valuable resources at our disposal, but our greatest resource has been, is, and always will be our people. In the measure that state government has fallen short, it has done so by setting itself apart from, and above, the wisdom, common sense, and values of the people. Government is not the author of progress, nor the first source of wisdom, nor the Creator of our freedom, nor the wellspring of the values of faith, family and freedom that make America the greatest nation on earth. Government is the people's tool. It should be the servant, not the master.

A statue on the north side of our beautiful Capitol commemorates the signing of the Louisiana Purchase. On this side, we are under the gaze of our third President whose vision secured the new territory and defined its character. From that territory, pioneers carved a state destined for greatness. Their optimism, hope and faith endure. We are the heirs of their labor. Let us also remember that we are guardians of their legacy.

I took the oath with my hand upon two Bibles. One is the Book I turn to each day. It will remind me of the solemn pledge I have made before God and my fellow citizens. The other is a Bible that Melanie and I will give to our son upon his birth. It will remind me that what we do today, tomorrow and across the next four years will help define the future opportunities of every Missouri child.

May God grant that in the days of prosperity and contentment, He will fill our hearts with praise and that in moments of trial, we will remember to

seek His aid.

Together, we will chart a new course for our state. With your prayers, encouragement and support, we will succeed. May God bless Missouri and the United States of America.

The Navy Fleet Band Support 135th Army Band, MOARNG played "Armed Forces on Parade (Service Medley)".

The Benediction was pronounced by Pastor Paul Brooks, Senior Pastor, First Baptist Church, Raytown, Missouri.

Retirement of the Colors by the Joint Service Color Guard.

The audience remained standing, and Governor Blunt and Mrs. Blunt were escorted from the platform by the Legislative Inaugural Committee.

President Pro Tem of the Senate, Senator Michael R. Gibbons, adjourned the Joint Session of the 93rd General Assembly.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Senator Shields requested unanimous consent of the Senate to allow family members and friends to use flash photography, which request was granted.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 33, regarding Andrew G. Palmer, Smithville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 34, regarding Benjamin J. Augur, Smithville, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by Governor Bob Holden and submitted to you on January 5, 2005 for your advice and consent:

Debra A. Adams, 116 Cedarcrest Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2006, and until her successor is duly appointed and qualified; vice, Tadd Greenfield, resigned.

Patricia A. Allen, Democrat, 832 Floyd Street, Kennett, Dunklin County, Missouri 63857, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2007, and until her successor is duly appointed and qualified; vice, William Creech, term expired.

Linward Appling, 302 Ridgeway Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service

Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Bryan Forbis, deceased.

Cynthia W. Bald, 105 Eagles Landing Parkway, Cameron, Clinton County, Missouri 64429, as a member of the State Board of Cosmetology, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Gregory S. Ballentine, 2135 Lightburne, Liberty, Clay County, Missouri 64068, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Charles D. Banks, Democrat, 678 Glenwood Drive, Pevely, Jefferson County, Missouri 63070, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Deborah J. Barger, MSN, RN, 618 Greenbrier Road, Moberly, Randolph County, Missouri 65270, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, Janet Vanderpool, resigned.

Roger D. Beamer, 5586 Julie Street, Fulton, Callaway County, Missouri 65251, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Robert E. Bell, Republican, 43 Villa Coublay Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John Blass, 104-19 East Green Meadows Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Robert D. Blitz, Democrat, 61 Portland, Frontenac, St. Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Robert D. Blitz, withdrawn.

Gregory W. Booth, Democrat, 2908 Olde Worcester, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2010, and until his successor is duly appointed and qualified; vice, Roger L. Pryor, term expired.

Renate D. Brodecker, 211 North Olive Street, Eldon, Miller County, Missouri 65026, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2007, and until her successor is duly appointed and qualified; vice, Christi Warner, term expired.

James E. Burlingame, 3834 West Seventh, Joplin, Jasper County, Missouri 64801, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Kevin S. Cahill, 7133 Stanford Avenue, University City, St. Louis County, Missouri 63130, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 10, 2005, and until his successor is duly appointed and qualified; vice, Booker T. Rice, resigned.

David Charles Campbell, M.D., M.Ed., 3857 Utah Place, St. Louis City, Missouri 63116, as a member of the Drug Utilization Review Board, for a term ending October 15, 2008, and until his successor is duly appointed and qualified; vice, Harold H. Lurie, term expired.

William Carson, Democrat, 4424 Benton Boulevard, Kansas City, Jackson County, Missouri 64130, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Jeffrey D. Case, Republican, 3735 Shelby 255, Shelbyville, Shelby County, Missouri 63469, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, Robert Meyer, term expired.

Sherri Coleman, 1207 Bellevue Avenue, St. Louis, St. Louis County, Missouri 63117, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

M. Jenise Comer, 7416 Richmond Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the State Committee for Social Workers, for a term ending October 23, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Thomas L. Cooling, 14307 Valley Meadow Court, East, Chesterfield, St. Louis County, Missouri 63017, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, Scott M. Olson, resigned.

James D. Corwin, 4901 Northwest Old Trail Road, Kansas City, Platte County, Missouri 64151, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2007, and until his successor is duly appointed and qualified; vice, Richard Easley, resigned.

Betty Council, 12437 Highway 63 S, Vienna, Maries County, Missouri 65582, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Michael L. Craighead, M.D., Republican, 1100 Highland Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Registration for the Healing Arts, for a term ending September 2, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Linda R. Curbow, 512 Willowdale Court, Nixa, Christian County, Missouri 65714, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2008, and until her successor is duly appointed and qualified; vice, Joseph Mark Goffinet, resigned.

Richard H. Dahl, Republican, 209 Amador Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Investment Trust, for a term ending February 24, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Gene H. Dexter, Ph.D., 620 Northwest Cortland Drive, Blue Springs, Jackson County, Missouri 64015, as a public member of the Committee for Professional Counselors, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Dave Edwards, 702 Maxine, Crane, Stone County, Missouri 65633, as a member of the Amusement Ride Safety Board, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Darrell D. Nash, deceased.

Linda A. Engelmann, 805 Melrose Lane, Liberty, Clay County, Missouri 64068, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2007, and until her successor is duly appointed and qualified; vice, Homer W. Miller, resigned.

Michelle T. Esswein, Independent, 4420 Firelight Drive, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Carolyn Laundry, resigned.

John L. Evans, Republican, 3789 Southeast Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Debra F. Fink, D.D.S., 7849 Balson Avenue, University City, St. Louis County, Missouri 63130, as a member of the Missouri Dental Board, for a term ending October 16, 2009, and until her successor is duly appointed and qualified; vice, Rolfe C. McCoy, D.D.S., term expired.

Douglas J. Fitzwater, M.D., Republican, 1120 County Highway 523, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2007, and until his successor is duly appointed and qualified; vice, William D. Owens, resigned.

Bill I. Foster, Republican, 1328 County Road 442, Poplar Bluff, Butler County, Missouri 63901, as a employer representative for the Labor and Industrial Relations Commission, for a term ending July 24, 2010, and until his successor is duly appointed and qualified; vice, Kenneth D. Legan, term expired.

Carol Ann Freeman, 6273 Highway MM, Cabool, Texas County, Missouri 65689, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Margaret Freeman, 831 Hart Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Sherry Hale, term expired.

John S. Gaal, 211 Spring Oaks Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

William G. Gillespie, Independent, 7328 Ravinia Drive, St. Louis, St. Louis County, Missouri 63121, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Phillip L. Gould, 102 Lake Forest, St. Louis, St. Louis County, Missouri 63117, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Melba R. Hale, 14285 Trailtop Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 1, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

James M. Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

John G. Harper, M.Ed., CRC, LPC, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Gregory Solum, resigned.

James A. Hendren, Democrat, 10950 West Bradley Lane, Rocheport, Boone County, Missouri 65279, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

David B. Henson, Ph.D., 340 Tomahawk Road, Post Office Box 29, Jefferson City, Cole County, Missouri 65102-0029, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2009, and until his successor is duly appointed and qualified; vice, Allan Purdy, resigned.

Steven R. Hermann, 115 Holly Drive, Webster Groves, St. Louis County, Missouri 63119, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Joan Kelly Horn, 2017 S. Grand Blvd. #104, St. Louis City, Missouri 63104, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, Joan Kelly Horn, withdrawn.

John M. Houghton, Ph.D., #1 Duddin Court, Manchester, St. Louis County, Missouri 63021, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, John M. Houghton, Ph.D., withdrawn.

Donald L. James, D.O., Republican, 10381 Stoltz Road, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Health, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Karen Sylvara, term expired.

Joel T. Jeffries, M.D., Republican, 1401 South Purdy Lane, Columbia, Boone County, Missouri 65201, as a member of the Board of Probation and Parole, for a term ending August 16, 2006, and until his successor is duly appointed and qualified; vice, DonnaWhite, resigned.

Christel H. Johnson, 7420 Washington, Kansas City, Jackson County, Missouri 64114, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 7, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Glenda Kremer, County Road 403, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Richard D. LaBore, 1421 Woodhue Drive, St. Louis, St. Louis County, Missouri 63126, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 11, 2008, and until his successor is duly appointed and qualified; vice, Elizabeth Van Uum, term expired.

Donald D. Landon, 2065 South Cedarbrook, Springfield, Greene County, Missouri 65804, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until his successor is duly appointed and qualified; vice, Susan I. Green, resigned.

Susan B. Lile, 524 Hickory Hollow Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Committee for Professional Counselors, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Sheldon Lee Lineback, 337 Hutton Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, Donna Gunning, term expired.

Allen I. Logan, 7720 Underhill Drive, St. Louis, St. Louis County, Missouri 63133, as a student representative of the Board of Curators of Lincoln University, for a term ending May 1, 2006, and until his successor is duly appointed and qualified; vice, Leonard Woodson, term expired.

Peggy D. Loman, 909 Northeast Willow Court, Oak Grove, Jackson County, Missouri 64075, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

William J. Longmore, Ph.D., 517 Beaucaire Drive, Warson Woods, St. Louis County, Missouri 63122, as a member of the Life Sciences Research

Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, William J. Longmore, Ph.D., withdrawn.

J. Beto Lopez, Democrat, 5724 Northeast Quartz Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2007, and until his successor is duly appointed and qualified; vice, John R. Bondon, term expired.

Jeffrey A. Marlow, 1100 La Guille Court, Apartment B, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until his successor is duly appointed and qualified; vice, Gary Stevens, term expired.

Michael A. Marx, 4173 Fairburn Court, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Nick L. Matherly, Republican, 12899 Highway DD, Post Office Box 310, Cabool, Texas County, Missouri 65687, as a member of the Land Reclamation Commission, for a term ending September 28, 2007, and until his successor is duly appointed and qualified; vice, Carol Wicks, resigned.

Arlene V. McClendon, 6231 Hancock Street, Berkeley, St. Louis County, Missouri 63134, as a member of the State Board of Barber Examiners, for a term ending April 25, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Mary E. McEniry, 213 North Ventura, Apartment 12, Jefferson City, Cole County, Missouri 65109, as Ombudsman Child Advocate of the Children's Protection and Services, for a term ending December 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo. 37.705.

Charles E. Mitchell, Democrat, 19349 MR 971, Holliday, Monroe County, Missouri 65258, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2008, and until his successor is duly appointed and qualified; vice, Christina Norton, term expired.

Robert Allan Morantz, M.D., 17100 Highland Ridge Drive, Belton, Cass County, Missouri 64012, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, Robert Allan Morantz, M.D., withdrawn.

Randy D. Mosier, 1402 Southeast 15th Street Place, Oak Grove, Jackson County, Missouri 64075, as a member of the Personnel Advisory Board, for a term ending July 13, 2008, and until his successor is duly appointed and qualified; vice, Monica Anthony, resigned.

Teri A. Murray, Ph.D., R.N., 948 Sprinters Row Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri State Board of Nursing, for a term ending October 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Anthony R. Myers, 623 West Columbia, Farmington, St. Francois County, Missouri 63649, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Carl D. Nelson, 2616 Mitchel Avenue, St. Joseph, Buchanan County, Missouri 64507, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2006, and until his successor is duly appointed and qualified; vice, Elizabeth Miller, term expired.

Tina A. Odo, Republican, 19242 St. Albans Valley Drive, Glencoe, St. Louis County, Missouri 63038, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Esther E. Otto, 709 Cannonbury Drive, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, Donald Claycomb, term expired.

John Thornton Park, Ph.D., 650 Holmes Lane, Rolla, Phelps County, Missouri 65401, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, John Thornton Park, Ph.D., withdrawn.

Deborah U. Parsons, 2709 Lilac Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Peggy Tuter Pearl, C.H.E., 847 Pickwick, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Lynne Dresner, term expired.

Douglas A. Potts, Sr., Republican, 2915 Meramec Street, St. Louis City, Missouri 63118, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2005, and until his successor is duly appointed and qualified; vice, Tom Garnett, resigned.

Diane Leigh Priest, 7681 East Sunnysdale Drive, Columbia, Boone County, Missouri 65201, as a member of the Seismic Safety Commission, for a term ending August 11, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Caroline L. Pufalt, Democrat, 13415 Land O Woods Drive #3, Chesterfield, St. Louis County, Missouri 63141, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, Caroline L. Pufalt, withdrawn.

Paul K. Rainsberger, 2401 Hillshire Drive, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 2010, and until his successor is duly appointed and qualified; vice, Paul Boudreau, term expired.

Kathleen C. Reardon, 15 Lakeforest Drive, St. Louis, St. Louis County, Missouri 63117, as a member of the Children's Trust Fund Board, for a term ending September 15, 2007, and until her successor is duly appointed and qualified; vice, W. Dudley McCarter, term expired.

Tracy M. Reed, D.P.M., Democrat, 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Kimberly R. Riley, 3700 Benton Boulevard, Kansas City, Jackson County, Missouri 64128, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Terrie Fox, term expired.

Diane Janice Seif, 4341 NE Maplegate Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, Diane Janice Seif, withdrawn.

Joyce Shaul, 54598 Brickhouse Road, Jamestown, Moniteau County, Missouri 65046, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Charity F. Shelton, 1419 McVey Street, Mt. Vernon, Lawrence County, Missouri 65712, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2006, and until her successor is duly appointed and qualified; vice, John Scherr, resigned.

Shelly R. Shetley, 310 Northeast 94th Street, Apartment 118, Kansas City, Jackson County, Missouri 64155, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Malinda Crane, resigned.

Samuel L. Shipman, 5525 Bagnall Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Thomas L. Slaight, 4361 East Berkeley St., Springfield, Greene County, Missouri 65809, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, Thomas L. Slaight, withdrawn.

Charles P. Smith, 2426 Maple Crossing Dr., Wildwood, St. Louis County, Missouri 63011, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Richard H. Strecker, 2204 Julie Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Terry Jackson, resigned.

Conrad H. Sutton, 2758 State Route 76, #1, Willow Springs, Howell County, Missouri 65793, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Sherri Talbott, 6113 Queens Court, House Springs, Jefferson County, Missouri 63051, as a member of the Public School Retirement System of Missouri, Board of Trustees, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Sherri Talbott, withdrawn.

Mary Zabawa Taylor, 7036 Westmoreland, St. Louis, St. Louis County, Missouri 63130, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, Karen Pack, term expired.

Akilis M. Theoharidis, D.P.M., Republican, 5987 North Kansas Avenue, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Donald E. Clark, deceased.

Cheryl Thruston, 215 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Hillred Kay Thurston, R.N., 1010 Meadow Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Reginald H. Turnbull, 135 Forest Hill Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, Shera Kafka, term expired.

Deborah K. Waller, 225 Bradley, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Cosmetology, for a term ending August 14, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Clifford I. Whipple, Republican, 2721 South Claremont, Springfield, Greene County, Missouri 65804, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Donald L. Wolff, Democrat, 11732 Tarrytown, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

A. Marie Young, 7232 North Monroe, Gladstone, Clay County, Missouri 64119, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Alison Craighead, 1100 Highland Ridge, Jefferson City, Cole County, Missouri 65109, as Director of the Division of Professional Registration within the Department of Economic Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Fred Farrell, 968 West Highway C, Charleston, Mississippi County, Missouri 63834, as Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael N. Keathley, 1011 Ridgetop Drive, Dexter, Stoddard County, Missouri 63841, as Commissioner of the Office of Administration, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Larry Crawford, 54731 Bird Haven Road, Centertown, Moniteau County, Missouri, 65023, as Director of the Department of Corrections, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Trish Vincent, 1744 Brookside Blvd., Jefferson City, Cole County, Missouri 65101, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the appointments of Alison Craighead; Fred Ferrell; Michael N. Keathley; Larry Crawford; and Trish Vincent to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following hearing schedule:

**SENATE HEARING SCHEDULE
93rd GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 10, 2005**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Gross)	Appropriations SCR 2 (Gross)	
8:30 a.m.		Commerce, Energy and the Environment SL (Klindi) Transportation SCR 1 (Dolan)	Gubernatorial Appointments SL (Gibbons) Aging, Families, Mental and Public Health SCR 1 (Champion)	Rules, Joint Rules, Resolutions and Ethics SL (Shields) Ways and Means SCR 1 (Vogel)
12:30 p.m.	Appropriations SCR 2 (Gross)			
1:00 p.m.			Agriculture, Conservation, Parks and Natural Resources SCR 1 (Clemens)	
1:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)			
2:00 p.m.	Governmental Accountability and Fiscal Oversight SCR 1 (Cauthorn)	Education SCR 1 (Nodler)	Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	
3:00 p.m.		Pensions, Veterans' Affairs and General Laws SL (Crowell)	Economic Development, Tourism and Local Government SL (Griesheimer)	
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

SL - Senate Lounge

SCR 1 - Senate Committee Rm. 1, Room 118

SCR 2 - Senate Committee Rm. 2, Room 119

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 158-By Cauthorn.

An Act to amend chapter 195, RSMo, by adding thereto eight new sections relating to a prescription monitoring program, with penalty provisions and an effective date.

SB 159-By Cauthorn.

An Act to repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to drug regulations.

COMMUNICATIONS

Senator Steelman submitted the following:

January 5, 2005

VIA HAND-DELIVERY

The Honorable Joe Maxwell

Lieutenant Governor of Missouri

State Capitol Bldg.

Jefferson City, MO

Dear Lieutenant Governor Maxwell:

As a result of my election to the Office of State Treasurer, this correspondence shall serve as my resignation from the Missouri State Senate-District 16, effective 11:40 a.m., Monday, January 10, 2005.

It has been an honor and a privilege to serve the people of the 16th Senatorial District. As I assume the office of Missouri's State Treasurer, I look forward to the years ahead and serving Missourians in this new capacity. Thank you for your commitment to public service and good luck with your future endeavors.

Sincerely,

/s/ Sarah Steelman

Sarah Steelman

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, Mayor Francis Slay and Jeff Rainford, St. Louis City.

Senator Champion introduced to the Senate, Bill Magers, Springfield.

Senator Klindt introduced to the Senate, his brother and sister-in-law, Michael and Laura Klindt, Bethany.

Senator Engler introduced to the Senate, his parents, Fritz and Norma Engler; and his aunt and uncle, Bill and Carla Akins, Festus; his sister, Laurie Livingstone and her husband, Mike, Valley Park; his cousins, Debbie and Steve Schaeffer, Hillsboro; and friends from St. Francois County and the Third Senatorial District.

Senator Taylor introduced to the Senate, his wife, Gay, Shell Knob; his mother, Dorothy Taylor, Sarcxie; and Bill and Lola Craig, Bentonville, Arkansas.

Senator Stouffer introduced to the Senate, Nelson Heil, Norborne; Barc and Nancy Staton, Carrollton; and Gary and Donna Clarkson, and Evelyn and Erica Falls, La Plata.

Senator Ridgeway introduced to the Senate, former State Representative Fred Pouche, and his wife, Marty, Platte County; and former State Representative Patrick Naeger, Perry County.

Senator Shields introduced to the Senate, his parents, Charles E. and Rosalie Shields, Independence.

Senator Mayer introduced to the Senate, his uncle, Robert McDonald; and cousins, Robin and Carl Kestler, St. Louis.

Senator Dougherty introduced to the Senate, his wife, Beverly, their daughters, Erica, Bridget and Elizabeth, and their granddaughter, Dana McFarlane, St. Louis.

Senator Kennedy introduced to the Senate, James, Mary, John and Sue Sinclair, St. Louis.

Senator Ridgeway introduced to the Senate, Gabby Glossip, Barrett DeLong, Daniel Williams and Fred Juergens, Smithville.

Senator Gross introduced to the Senate, Helen Finegar, St. Louis County.

Senator Cauthorn introduced to the Senate, Lucie Le Coz, France; and Andy and Douglas Morris, Hannibal.

Senator Griesheimer introduced to the Senate, Kent and Nancy Bruder, Gerald; Neil and Debbie Door, and Sharon

Birkman, Union; and Ed and Shirley Hillhouse, Pacific.

Senator Griesheimer introduced to the Senate, his sons, Aaron, Washington; and Sean, Overland Park, Kansas; Robert and Roberta Moune, Dennis and Marilyn Wynne, and John and Linda Fischer, Washington.

Senator Griesheimer introduced to the Senate, Denise Kleekamp and Jerry Moune, Washington; and Greg Caldwell, Labadie.

On behalf of Senator Scott, Senator Vogel introduced to the Senate, Mayor Jerry Marti and his wife, Debbie, Lamar.

Senator Coleman introduced to the Senate, Patricia Bingham, St. Louis.

Senator Taylor introduced to the Senate, his son, Charles, and Ginger Harrison, Springfield; Chelsea, Jack and Hannah Corp, Sparta; and Denny White, Joplin.

Senator Mayer introduced to the Senate, his sons, Dustin, Daniel and Jason, Natalie Jackson, Tabitha Jones, Jesse Miller, Julie Lancaster, John Hunter and Michael LaBrot, Dexter; Mr. and Mrs. Jerry Paul Coombs, and Paul T. Coombs, Kennett; and Mary Ruth Boone and the Dexter High School Choir.

Senator Gross introduced to the Senate, former State Representative Jon Bennett and Christine Grote, St. Charles.

Senator Griesheimer introduced to the Senate, his wife, Rita, and their daughter, Michelle, Washington.

The President introduced to the Senate, his brothers, Frank, Mark and James Kinder; his sisters-in-law, Lori Ann, Barbara and Rosie; his nieces, Paige, Molly, Emelia, Louisa and Hannah Kinder and Melinda Choffat; his nephews, Jimmy, Will, Hunter and Nick Kinder; Carolyn, Eric, Bjorn, Erika, Brett, and Carly Preummer; Dr. William, Trisha, Elizabeth, Andrew and Will LaFoe; Dr. Richard and Becky Kies, and Vince and Diane Diebold, Cape Girardeau.

Senator Bartle introduced to the Senate, Mayor Steve Steiner, Blue Springs.

Senator Shields introduced to the Senate, former State Representative Laurie Donovan, Florissant; and Megan, Jeanne and Mike Pfanders, Clever.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY-TUESDAY, JANUARY 11, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Loudon, et al

SB 2-Loudon and Gross

SB 3-Loudon

SB 4-Klindt

SB 5-Klindt

SB 6-Klindt

SB 7-Dougherty

SB 8-Dougherty

SB 9-Dougherty

SB 10-Cauthorn, et al

SB 11-Cauthorn

SB 12-Cauthorn and Klindt

SB 13-Kennedy

SB 14-Kennedy

SB 15-Kennedy

SB 16-Coleman

SB 17-Coleman

SB 18-Coleman

SB 19-Shields

SB 20-Shields

SB 21-Shields

SB 22-Griesheimer

SB 23-Griesheimer and Kennedy

SB 24-Griesheimer

SB 25-Champion, et al

SB 26-Champion and Wheeler

SB 27-Champion

SB 28-Dolan

SB 29-Dolan

SB 30-Dolan

SB 31-Bartle

SB 32-Bartle

SB 33-Bartle

SB 34-Clemens

SB 36-Nodler

SB 37-Nodler

SB 38-Nodler and Taylor

SB 39-Bray

SB 40-Bray

SB 41-Bray

SB 42-Days

SB 43-Days

SB 44-Wheeler and Bray

SB 45-Purgason

SB 46-Purgason

SB 47-Crowell

SB 48-Crowell

SB 49-Crowell

SB 50-Taylor and Nodler

SB 51-Taylor and Callahan

SB 52-Loudon

SB 53-Loudon

SB 54-Loudon

SB 55-Klindt

SB 56-Klindt

SB 57-Klindt

SB 58-Dougherty

SB 59-Dougherty

SB 60-Dougherty

SB 61-Cauthorn

SB 62-Cauthorn

SB 63-Cauthorn

SB 64-Kennedy

SB 65-Coleman

SB 66-Coleman

SB 67-Coleman

SB 68-Shields

SB 69-Shields and Wheeler

SB 70-Shields

SB 71-Griesheimer

SB 72-Griesheimer

SB 73-Champion

SB 74-Champion

SB 75-Champion and Wheeler

SB 76-Dolan

SB 77-Dolan

SB 78-Dolan

SB 79-Bartle

SB 80-Bartle

SB 81-Bartle

SB 82-Bray

SB 83-Bray

SB 84-Bray

SB 85-Crowell

SB 86-Crowell

SB 87-Klindt

SB 88-Klindt

SB 89-Dougherty

SB 90-Dougherty

SB 91-Dougherty

SB 92-Cauthorn

SB 93-Cauthorn

SB 94-Cauthorn

SB 95-Coleman

SB 96-Coleman

SB 97-Coleman and Champion

SB 98-Champion, et al

SB 99-Champion

SB 100-Champion

SB 101-Dolan

SB 102-Bartle

SB 103-Bartle

SB 104-Bartle

SB 105-Bray

SB 106-Bray

SB 107-Bray

SB 108-Dougherty

SB 109-Dougherty

SB 110-Dougherty

SB 111-Cauthorn

SB 112-Coleman

SB 113-Coleman

SB 114-Champion

SB 115-Bartle

SB 116-Bartle

SB 118-Bray

SB 119-Bray

SB 120-Bray

SB 121-Bray

SB 122-Nodler

SB 123-Bartle

SB 124-Nodler

SB 125-Taylor

SB 128-Coleman

SB 129-Vogel

SB 130-Clemens

SB 131-Loudon

SB 132-Ridgeway

SB 133-Loudon and Gross

SB 134-Wheeler

SB 135-Wheeler

SB 136-Champion

SB 137-Taylor

SB 138-Wheeler

SB 139-Wheeler

SB 140-Days

SB 141-Nodler

SB 142-Gross

SB 143-Gross

SB 144-Gross

SB 145-Dougherty

SB 146-Dougherty

SB 147-Cauthorn

SB 148-Nodler

SB 149-Nodler

SB 150-Green

SB 151-Green

SB 152-Wilson

SB 153-Graham

SB 154-Bray and Days

SB 155-Mayer

SB 156-Shields

SB 157-Crowell

SB 158-Cauthorn

SB 159-Cauthorn

SJR 1-Klindt

SJR 2-Klindt

SJR 3-Cauthorn

SJR 4-Cauthorn

SJR 5-Coleman

SJR 6-Bartle

SJR 7-Bartle

SJR 8-Bartle

SJR 9-Clemens

SJR 10-Purgason

SJR 11-Bartle

SJR 12-Taylor

Resolutions

HCR 1-Dempsey (Shields)

HCR 2-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 11, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Now we have received not the Spirit of the World, but the Spirit that is from God, so that we might understand the gifts bestowed on us by God."
(I Corinthians 2:12)

Gracious God, we give You thanks for the gifts we have received from You and rejoice that we are able to use them as we serve the people of Missouri. We pray, bless the results of the use of these gifts if they are in keeping with Your will and forgive those results which cause another harm and give us a right understanding of ourselves so we may live in harmony with You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 35, regarding Graham T. Mason, Des Peres, which was adopted.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 1** was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson--30		

NAYS--Senators--None

Absent--Senators

Graham Kennedy--2

Absent with leave--Senators--None

Vacancies--2

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee pursuant to **HCR 1**: Senators Bartle, Loudon, Crowell, Mayer, Ridgeway, Koster, Coleman, Callahan, Wilson and Green.

President Pro Tem Gibbons requested unanimous consent to make one motion to return the appointments appearing on Pages 53-59 of the Senate Journal for Monday, January 10, 2005 to the Governor, pursuant to his request, which request was granted.

President Pro Tem Gibbons moved that all appointments listed in the Governor's withdrawal letter appearing on Pages 53-59 of the Senate Journal for Monday, January 10, 2005 be returned pursuant to his request, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Cauthorn offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

WHEREAS, faith-based and community organizations are currently providing quality social services and making a positive difference in the communities they serve; and

WHEREAS, faith-based and community organizations are serving their communities in areas such as the prevention and treatment of juvenile delinquency, child care services, support services for the elderly, the prevention of crime, the intervention in and prevention of domestic violence, and a number of other social service areas; and

WHEREAS, some of these faith-based and community organizations are currently receiving funds from federal government, or through a state, city, or local government that itself receives federal funds, to carry out their missions; and

WHEREAS, because of the quality services provided by these organizations, it is important for the state and local governments to utilize their services by working in partnership with faith-based and community organizations; and

WHEREAS, faith-based and community organizations that currently work in partnership with local governments or judicial circuits are doing so within the framework of the Constitutional church-state guidelines:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby express their gratitude to faith-based and community organizations working in their communities to improve the lives of the citizens of this state; and

BE IT FURTHER RESOLVED that we support the mission of faith-based and community organizations to provide social services to improve the lives of our citizens; and

BE IT FURTHER RESOLVED that we support and encourage the state and all local governments to work in partnership with faith-based and community organizations to provide quality social services that improve the lives of so many of our citizens in particular and better our society in general; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the presiding judge of each judicial circuit in this state, and to the director of each state department.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 160-By Bartle, Cauthorn, Loudon, Scott, Clemens, Callahan, Stouffer, Engler, Dolan, Griesheimer, Purgason, Kennedy, Mayer, Taylor, Nodler, Vogel, Champion and Green.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to human cloning, with penalty provisions.

SB 161-By Gross.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the powers of local school boards.

SB 162-By Gross.

An Act to repeal sections 192.400, 192.410, and 192.420, RSMo, and to enact in lieu thereof three new sections relating to radiation control.

SB 163-By Loudon, Bartle and Cauthorn.

An Act to repeal sections 288.036, 288.038, 288.045, 288.050, 288.121, 288.128, 288.310, and 288.330, RSMo, and to enact in lieu thereof eight new sections relating to unemployment compensation, with an emergency clause.

SB 164-By Crowell.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to public funds.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

BE IT RESOLVED by the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, February 2, 2005, to receive a message from Pete K. Rahn, Director of the Missouri Department of Transportation; and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY-WEDNESDAY, JANUARY 12, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Loudon, et al

SB 2-Loudon and Gross

SB 3-Loudon

SB 4-Klindt

SB 5-Klindt

SB 6-Klindt

SB 7-Dougherty

SB 8-Dougherty

SB 9-Dougherty

SB 10-Cauthorn, et al

SB 11-Cauthorn

SB 12-Cauthorn and Klindt

SB 13-Kennedy

SB 14-Kennedy

SB 15-Kennedy

SB 16-Coleman

SB 17-Coleman

SB 18-Coleman

SB 19-Shields

SB 20-Shields

SB 21-Shields

SB 22-Griesheimer

SB 23-Griesheimer and Kennedy

SB 24-Griesheimer

SB 25-Champion, et al

SB 26-Champion and Wheeler

SB 27-Champion

SB 28-Dolan

SB 29-Dolan

SB 30-Dolan

SB 31-Bartle

SB 32-Bartle

SB 33-Bartle

SB 34-Clemens

SB 36-Nodler

SB 37-Nodler

SB 38-Nodler and Taylor

SB 39-Bray

SB 40-Bray

SB 41-Bray

SB 42-Days

SB 43-Days

SB 44-Wheeler and Bray

SB 45-Purgason

SB 46-Purgason

SB 47-Crowell

SB 48-Crowell

SB 49-Crowell

SB 50-Taylor and Nodler

SB 51-Taylor and Callahan

SB 52-Loudon

SB 53-Loudon

SB 54-Loudon

SB 55-Klindt

SB 56-Klindt

SB 57-Klindt

SB 58-Dougherty

SB 59-Dougherty

SB 60-Dougherty

SB 61-Cauthorn

SB 62-Cauthorn

SB 63-Cauthorn

SB 64-Kennedy

SB 65-Coleman

SB 66-Coleman

SB 67-Coleman

SB 68-Shields

SB 69-Shields and Wheeler

SB 70-Shields

SB 71-Griesheimer

SB 72-Griesheimer

SB 73-Champion

SB 74-Champion

SB 75-Champion and Wheeler

SB 76-Dolan

SB 77-Dolan

SB 78-Dolan

SB 79-Bartle

SB 80-Bartle

SB 81-Bartle

SB 82-Bray

SB 83-Bray

SB 84-Bray

SB 85-Crowell

SB 86-Crowell

SB 87-Klindt

SB 88-Klindt

SB 89-Dougherty

SB 90-Dougherty

SB 91-Dougherty

SB 92-Cauthorn

SB 93-Cauthorn

SB 94-Cauthorn

SB 95-Coleman

SB 96-Coleman

SB 97-Coleman and Champion

SB 98-Champion, et al

SB 99-Champion

SB 100-Champion

SB 101-Dolan

SB 102-Bartle

SB 103-Bartle

SB 104-Bartle

SB 105-Bray

SB 106-Bray

SB 107-Bray

SB 108-Dougherty

SB 109-Dougherty

SB 110-Dougherty

SB 111-Cauthorn

SB 112-Coleman

SB 113-Coleman

SB 114-Champion

SB 115-Bartle

SB 116-Bartle

SB 118-Bray

SB 119-Bray

SB 120-Bray

SB 121-Bray

SB 122-Nodler

SB 123-Bartle

SB 124-Nodler

SB 125-Taylor

SB 128-Coleman

SB 129-Vogel

SB 130-Clemens

SB 131-Loudon

SB 132-Ridgeway

SB 133-Loudon and Gross

SB 134-Wheeler

SB 135-Wheeler

SB 136-Champion

SB 137-Taylor

SB 138-Wheeler

SB 139-Wheeler

SB 140-Days

SB 141-Nodler

SB 142-Gross

SB 143-Gross

SB 144-Gross

SB 145-Dougherty

SB 146-Dougherty

SB 147-Cauthorn

SB 148-Nodler

SB 149-Nodler

SB 150-Green

SB 151-Green

SB 152-Wilson

SB 153-Graham

SB 154-Bray and Days

SB 155-Mayer

SB 156-Shields

SB 157-Crowell

SB 158-Cauthorn

SB 159-Cauthorn

SB 160-Bartle, et al

SB 161-Gross

SB 162-Gross

SB 163-Loudon, et al

SB 164-Crowell

SJR 1-Klindt

SJR 2-Klindt

SJR 3-Cauthorn

SJR 4-Cauthorn

SJR 5-Coleman

SJR 6-Bartle

SJR 7-Bartle

SJR 8-Bartle

SJR 9-Clemens

SJR 10-Purgason

SJR 11-Bartle

SJR 12-Taylor

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

To be Referred

SCR 2-Cauthorn

Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 12, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Keep your heart with all diligence; for out of it are the issues of life." (Proverbs 4:27)

Heavenly Father, help us to keep our hearts firmly rooted in Your promises, so that girded by faith in Your Word we may face any difficulties that come our way. Help us to pray so that we are anchored in living life fully and effectively as You direct our path so we may be of help to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 36, regarding Margie E. Brady, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 37, regarding Patricia Ann Dulle, Jefferson City, which was adopted.

Senator Dougherty offered Senate Resolution No. 38, regarding Alphonse Peterson, D.D.S., St. Louis, which was adopted.

Senator Ridgeway offered Senate Resolution No. 39, regarding Loren Jay Bewick, Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 40, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon B. Garrett, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 41, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ned Bashford, Bolivar, which was adopted.

Senator Wilson offered Senate Resolution No. 42, regarding Ann R. Brown, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 43, regarding the death of former Congresswoman Shirley Chisholm, Ormond Beach, Florida, which was adopted.

Senator Cauthorn offered Senate Resolution No. 44, regarding Brian William Wise, Kirksville, which was adopted.

Senator Callahan offered Senate Resolution No. 45, regarding the One Hundred First Birthday of Gene Duncan, Raytown, which was adopted.

Senator Callahan offered Senate Resolution No. 46, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Elliott, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 47, regarding the One Hundred First Birthday of Alice Jane Dickerson, Kansas City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the Judiciary address: Representatives: Tilley, Cooper 158, Black, Wilson 130, Jackson, Cunningham 86, Aull, Curls, Johnson 90 and Corcoran.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives Parker, Yates, Goodman, Wright 137, Flook, Fares, Robinson, El-Amin, Spreng and Lowe.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 165-By Bartle.

An Act to repeal sections 386.510, 386.520, 386.530, and 386.540, RSMo, and to enact in lieu thereof four new sections relating to judicial appeal of public service commission orders.

SB 166-By Green.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to disclosure of certain health care benefits.

SB 167-By Green.

An Act to repeal section 630.165, RSMo, and to enact in lieu thereof two new sections relating to long-term health care facilities, with penalty provisions.

SB 168-By Dolan, Shields, Vogel, Gross, Engler, Clemens, Kennedy, Mayer, Scott, Nodler, Cauthorn, Purgason, Champion, Klindt, Bartle, Callahan, Griesheimer, Koster, Taylor, Stouffer, Crowell, Ridgeway and Coleman.

An Act to amend chapter 431, RSMo, by adding thereto six new sections relating to resolution of conflicts resulting from alleged residential construction defects.

SB 169-By Gross.

An Act to repeal sections 144.805, 144.807, and 305.230, RSMo, and to enact in lieu thereof three new sections relating to aviation, with an expiration date for certain sections.

SB 170-By Gross.

An Act to repeal sections 260.905, 260.925, 260.945, and 260.960, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste, with an emergency clause and an expiration date.

SB 171-By Purgason.

An Act to repeal section 229.160, RSMo, relating to protection of bridges.

SB 172-By Purgason.

An Act to repeal sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031, 701.033, 701.037, and 701.038, RSMo, and to enact in lieu thereof five new sections relating to the regulation of water and sewer systems.

SB 173-By Scott.

An Act to repeal section 178.930, RSMo, and to enact in lieu thereof one new section relating to sheltered workshop payments.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Ronnie L. White, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson--31	
Absent with leave--Senator Dolan--1			
Vacancies--2			

On roll call the following Representatives were present:

Present--Representatives			
Aull	Baker 123	Baker 25	Barnitz
Bean	Bearden	Behnen	Bivins
Black	Bland	Bowman	Boykins
Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Chappelle-Nadal
Casey	Chinn	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dusenberg
El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz
Fraser	Goodman	Guest	Harris 110
Harris 23	Haywood	Henke	Hobbs
Hoskins	Hughes	Icet	Jackson
Johnson 47	Johnson 61	Johnson 90	Jolly
Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	McGhee
Meadows	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves
Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Robinson
Roorda	Rucker	Ruestman	Rupp
Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	Stefanick	Stevenson
St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Villa	Vogt
Wagner	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte
Wood		Wright-Jones	Wright 137Wright 159
Yaeger	Yates	Young	Zweifel
Mr. Speaker--153	Absent and Absent with Leave--Representatives		
Avery	Dougherty	George	Hubbard
Hunter	Jones	Marsh	Salva
Viebrock--9	Vacancies--1		

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Ronnie L. White, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2005 STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE RONNIE WHITE

President Kinder, Speaker Jetton, distinguished members of the Senate and House of Representatives, honorable statewide elected officials, esteemed Court colleagues, and honored guests - I thank you for the opportunity to come before you today. First, I want to take a moment to welcome the newest member of our Court. In a day and age in which courts throughout the country sometimes are accused of sitting in ivory towers, isolated from the world surrounding them, we are blessed with a person who has spent her entire judicial career breaking down these perceived barriers. Judge Mary Russell has sought to open the doors of our judicial processes to all who want to see them, and anyone who has met her knows that her affable demeanor and common-sense voice will add to the collegiality of our Court. She is an experienced appellate judge, serving nine years on the Court of Appeals, Eastern District. During her first year on the bench, I had the pleasure of being one of her colleagues. Since her appointment to the Supreme Court, Judge Russell has become involved in several Jefferson City civic activities, including volunteering as a truancy court judge in a local middle school. She also meets with students, parents and teachers each week, holding a mock court, to help ensure that students attend school regularly. Please join me in welcoming the Honorable Mary Rhodes Russell. I encourage any of you who do not know her already to take the opportunity to meet her - I am sure that you are going to like Judge Russell.

We also look forward to getting to know all of you, because as we all know, Judge Russell is not the only new officeholder in Jefferson City this year. Accordingly, we wish to extend an invitation to all of the new legislators to join us at the Supreme Court this afternoon so we can open what we hope proves to be just the beginning of a fruitful dialogue between our two branches of government.

We stand at the forefront of a new legislative session, a session that brings with it a new Speaker, a new President Pro Tem, new minority leaders in both chambers, and, of course, a new Governor, along with other new statewide elected officials and legislators. It is clear that the collective will of the people of this great state has dictated to us that change must be embraced, along with all the promises, challenges and hope that change brings. When the voters of this state deliver messages such as these, their importance is rarely lost on members of the legislative or executive branches whose job it is to carry them out.

We in the Judiciary must listen to this message of change as well. We must continue to look at what we might do to improve our efficiency and effectiveness so that public trust and confidence in our judicial system remains high. Public trust is not merely an amorphous concept to which we pay lip service; indeed, it is the very foundation of our judicial system and ultimately our democracy. It is an ongoing covenant between the governing and the governed, often renewed in the most unexpected times and places - places such as the Ukraine, where recent electoral and constitutional crises pushed the Judiciary into the middle of critical decisions on which the very rule of law hung in the balance. Even though it was certain that a sizable portion of the populace would disagree vehemently with its decision, no matter what it was, that nation took a major step forward into the community of nations by agreeing with and enforcing the Judiciary's obligation to make such a decision.

On a smaller scale, here in Missouri, it is this balance that the Judiciary must strike on a daily basis as we serve our role as the third, coequal branch of government. We must not presume to think that the greatly overused phrase "judicial independence" allows us to view ourselves as above any other branch of government or as unaccountable to the people we serve. Rather than *independence*, let us talk instead of *interdependence*. As Abraham Lincoln noted so eloquently 144 years ago: "A house divided against itself cannot stand."

The same can be said of our three branches of government. We can - and must - be faithful not only to the constitution but also to each other and to the roles we have been given by the architects of this great system. We in the Judiciary cannot extend ourselves into areas where our constitution or laws do not permit us to tread. Instead, we must remain neutral - free from political or ideological philosophies - free from high-dollar political campaigns - and retain faithfulness to the rule of law above all else.

Our role is fundamentally different from that of either the legislative or the executive branch in two ways. First, we do not have the power to change any law that we see fit to change or to proclaim law where no such law exists. Rather, we must only deal with the specific facts and issues that are brought before us, and even then we must only interpret the law, not make the law. Second, our role is not to represent the will of the people directly as you do. Instead, we exist to resolve disputes according to the rule of law and its principles. In the end, the Judiciary's role in our system of government is to make sure that the laws you pass and the constitutions of this great state and nation - laws and principles that we *all* are sworn to uphold and protect - stand as a bulwark of security and a model for rest of the world. No one in our state - or in our Judiciary - shall be above the law!

It may be that, in protecting these precepts, we run afoul of what is perceived as the will of the people on a given case or legal issue. However, we are constrained by our past rulings, the laws passed by this general assembly, our state and federal constitutions, and decisions of the United States Supreme Court. Taken together, this body of law preserves the will of the majority and the rights of the minority all at once, a tension that may result in decisions that, in some cases, are deemed by many to be unpopular. But popularity is not a criterion to be applied to judicial opinions. As a result of this tension - and I know this will surprise you - sometimes people might even be upset with us! Of course, we are in a business where typically half the people disagree with our decisions because they lost, and even a portion of those who won are upset because they do not think they won enough - and the people who *are* happy never seem to call their legislators! Regardless of this reality, we must welcome criticism and take it as evidence that the system of checks and balances and the rule of law that our forefathers envisioned are still working.

As United States Supreme Court Chief Justice William Rehnquist noted earlier this month in his annual report on the State of the Federal Judiciary, "criticism of judges and judicial decisions is as old as our republic, an outgrowth to some extent of the tensions built into our three-branch system of government." He further noted, "to a significant degree those tensions are healthy in maintaining a balance of power in our government."

While it may seem strange to some, a certain degree of tension between the branches can produce a more effective government for the people as a whole while ensuring that no branch of government can impinge on individual rights inappropriately. As each branch watches the others, all are driven to excel and meet the challenges raised in this ongoing experiment that is our system of government.

However, we must not let these tensions hinder or destroy our ability to cooperate with one another - remember, for example, the success that the cooperative Commission on Children's Justice has had in making strides toward real reform in our state's child abuse and neglect system. We also must not let these natural tensions prevent us from maintaining the consistency in the rule of law to which the people of this state are entitled.

I know that, as this session moves forward, you will spend countless hours looking deeply at how to improve the economy of this state, at how best to improve the lives of its citizens. All of us in government, all of our working people, all of our corporate citizens and the public at large want our state to grow and be prosperous. We want to experience good wages and benefits and healthy profits to expand commerce and spur the economy. As this general assembly addresses the issues of jobs and economic growth, I ask you to consider carefully the Judiciary's role in Missouri's economic engine. We play, in fact, a vital role and one that is not as easily recognized as, for example, the economic growth prerequisites of good transportation, good schools, a trained work force and fair taxes.

You will find that very high on industry's list of necessary components in reviewing the attractiveness of any state for relocation or for new plants is a solid, predictable, professional and efficient judicial system in which they can get a fair and consistent application of the law and treatment of their people. Corporations do not expect to receive a favorable decision every time they go to court, but they do expect to have the courts open every day of the week, every week of the year, available as a forum in which business interests can be litigated fairly and expeditiously. And these corporations also expect that the courts will not be swayed by public opinion or concerned about inflaming some interest group but rather will stick to their judicial business of applying the law fairly.

Our business centers on providing efficient services. We are not seeking to make a profit; rather, we seek to provide high quality judicial services at the lowest possible cost. Justice is served, disputes are settled fairly and promptly, and the economy marches on. We understand our role and we will, with your support, accomplish this mission. One other point: our courts, at an annual cost of \$140 million in state general revenue, generated roughly \$395 million in positive economic impact to our state. This was through fees, fines and costs paid to government entities, and money paid through our courts when private individuals and businesses seek our assistance in enforcing decisions. Money paid to government entities is distributed annually to local schools, counties, the state, and various funds such as the crime victims' compensation fund, the head injury fund, the prosecuting attorneys' training fund, and so on. In other words, we do our share.

As Alexander Hamilton so wisely observed 200 years ago, the judiciary has neither the power of the sword or of the purse, but merely judgment. Therefore, as you debate the various economic proposals and other matters that are certain to cross your desks, I ask that, as the body to whom the power of the purse has been given, you consider the role you play in preserving - and, indeed, in improving - our Judiciary and its resources. I hope to work with you in finding new ways to maintain a well-qualified judiciary and judicial staff, and I hope that, in the end, together we may live out our state motto - "Salus Populi Suprema Lex Esto" - Let the *welfare* of the people be the supreme law. Thank you.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Kinder.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 174-By Vogel.

An Act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

January 11, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Fred H. Farrell for Director of the Department of Agriculture, submitted to you on January 10, 2005. Line 1 should be amended to read:

Frederick H. Ferrell, 968 West Highway C, Charleston, Mississippi County,

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCR 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Nodler assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Small Business, Insurance and Industrial Relations.

SB 4--Financial and Governmental Organi-zations and Elections.

SB 6--Commerce, Energy and the Environ-ment.

SB 11--Governmental Accountability and Fiscal Oversight.

SB 12--Transportation.

SB 16--Judiciary and Civil and Criminal Jurisprudence.

SB 19--Education.

SB 21--Aging, Families, Mental and Public Health.

SB 24--Economic Development, Tourism and Local Government.

SB 25--Education.

SB 33--Pensions, Veterans' Affairs and General Laws.

SB 36--Education.

SB 37--Judiciary and Civil and Criminal Jurisprudence.

SB 45--Pensions, Veterans' Affairs and General Laws.

SB 46--Agriculture, Conservation, Parks and Natural Resources.

SB 49--Aging, Families, Mental and Public Health.

SB 50--Financial and Governmental Organi-zations and Elections.

SB 54--Financial and Governmental Organi-zations and Elections.

SB 56--Commerce, Energy and the Environ-ment.

SB 62--Agriculture, Conservation, Parks and Natural Resources.

SB 69--Economic Development, Tourism and Local Government.

SB 71--Financial and Governmental Organi-zations and Elections.

SB 77--Transportation.

SB 78--Judiciary and Civil and Criminal Jurisprudence.

SB 97--Education.

SB 98--Education.

SB 101--Transportation.

SB 104--Judiciary and Civil and Criminal Jurisprudence.

SB 112--Education.

SB 114--Education.

SB 129--Financial and Governmental Organi-zations and Elections.

SB 130--Small Business, Insurance and Industrial Relations.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 48, regarding Dr. Charles Fuszner, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 49, regarding Earl and Myrtle Walker, Town and Country, which was adopted.

Senator Gibbons offered Senate Resolution No. 50, regarding Andrew Huber, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 51, regarding Richard Kirk Hutchison, Kirkwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 52, regarding Ronald A. Blackmon, Affton, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 53, regarding Carrie Carrigan, St. Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following revised hearing schedule:



President Pro Tem Gibbons submitted the following:

January 12, 2005

Ms. Terry Spieler

Secretary of the Senate

Missouri State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I have made the following changes to the committee assignments:

- Senator Timothy Green will leave the Committee on Governmental Accountability and Fiscal Oversight and will be replaced by Senator Yvonne Wilson.
- Senator Yvonne Wilson will leave the Committee on Appropriations and will be replaced by Senator Timothy Green.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Presiding Commissioner Terry Nichols, and his daughter Laurie, Iron County.

Senator Crowell introduced to the Senate, Thomas E. Wiginton, Jr., Jackson; and Ilena Aslin, Cape Girardeau.

Senator Kennedy introduced to the Senate, Tony Mariani, St. Louis; and Jeff Bonnert, Cape Girardeau.

Senator Wilson introduced to the Senate, a group representing AARP from the Kansas City area.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Randy Mueller, M.D., and Nancy Windsor, Columbia.

Senator Shields introduced to the Senate, Bob Hughes and a group of students from Missouri Western State College.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY-THURSDAY, JANUARY 13, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 2-Loudon and Gross

SB 3-Loudon

SB 5-Klindt

SB 7-Dougherty

SB 8-Dougherty

SB 9-Dougherty

SB 10-Cauthorn, et al

SB 13-Kennedy

SB 14-Kennedy

SB 15-Kennedy

SB 17-Coleman

SB 18-Coleman

SB 20-Shields

SB 22-Griesheimer

SB 23-Griesheimer and Kennedy

SB 26-Champion and Wheeler

SB 27-Champion

SB 28-Dolan

SB 29-Dolan

SB 30-Dolan

SB 31-Bartle

SB 32-Bartle

SB 34-Clemens

SB 38-Nodler and Taylor

SB 39-Bray

SB 40-Bray

SB 41-Bray

SB 42-Days

SB 43-Days

SB 44-Wheeler and Bray

SB 47-Crowell

SB 48-Crowell

SB 51-Taylor and Callahan

SB 52-Loudon

SB 53-Loudon

SB 55-Klindt

SB 57-Klindt

SB 58-Dougherty

SB 59-Dougherty

SB 60-Dougherty

SB 61-Cauthorn

SB 63-Cauthorn

SB 64-Kennedy

SB 65-Coleman

SB 66-Coleman

SB 67-Coleman

SB 68-Shields

SB 70-Shields

SB 72-Griesheimer

SB 73-Champion

SB 74-Champion

SB 75-Champion and Wheeler

SB 76-Dolan

SB 79-Bartle

SB 80-Bartle

SB 81-Bartle

SB 82-Bray

SB 83-Bray

SB 84-Bray

SB 85-Crowell

SB 86-Crowell

SB 87-Klindt

SB 88-Klindt

SB 89-Dougherty

SB 90-Dougherty

SB 91-Dougherty

SB 92-Cauthorn

SB 93-Cauthorn

SB 94-Cauthorn

SB 95-Coleman

SB 96-Coleman

SB 99-Champion

SB 100-Champion

SB 102-Bartle

SB 103-Bartle

SB 105-Bray

SB 106-Bray

SB 107-Bray

SB 108-Dougherty

SB 109-Dougherty

SB 110-Dougherty

SB 111-Cauthorn

SB 113-Coleman

SB 115-Bartle

SB 116-Bartle

SB 118-Bray

SB 119-Bray

SB 120-Bray

SB 121-Bray

SB 122-Nodler

SB 123-Bartle

SB 124-Nodler

SB 125-Taylor

SB 128-Coleman

SB 131-Loudon

SB 132-Ridgeway

SB 133-Loudon and Gross

SB 134-Wheeler

SB 135-Wheeler

SB 136-Champion

SB 137-Taylor

SB 138-Wheeler

SB 139-Wheeler

SB 140-Days

SB 141-Nodler

SB 142-Gross

SB 143-Gross

SB 144-Gross

SB 145-Dougherty

SB 146-Dougherty

SB 147-Cauthorn

SB 148-Nodler

SB 149-Nodler

SB 150-Green

SB 151-Green

SB 152-Wilson

SB 153-Graham

SB 154-Bray and Days

SB 155-Mayer

SB 156-Shields

SB 157-Crowell

SB 158-Cauthorn

SB 159-Cauthorn

SB 160-Bartle, et al

SB 161-Gross

SB 162-Gross

SB 163-Loudon, et al

SB 164-Crowell

SB 165-Bartle

SB 166-Green

SB 167-Green

SB 168-Dolan, et al

SB 169-Gross

SB 170-Gross

SB 171-Purgason

SB 172-Purgason

SB 173-Scott

SB 174-Vogel

SJR 1-Klindt

SJR 2-Klindt

SJR 3-Cauthorn

SJR 4-Cauthorn

SJR 5-Coleman

SJR 6-Bartle

SJR 7-Bartle

SJR 8-Bartle

SJR 9-Clemens

SJR 10-Purgason

SJR 11-Bartle

SJR 12-Taylor

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 13, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"How precious also are Thy thoughts unto me, O God! How great is the sum of them! If I should count them, they are more in number than the sand." (Psalm 139:17-18)

Gracious God, provide us time with friends and family and time in Your house this weekend, for we rejoice knowing the bounty of Your blessings and that whatever comes into our lives first existed as a thought in Your mind. May we gratefully acknowledge Your gifts to us and give You thanks for watching our going out and coming in, particularly in this weather. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bray	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson--29			

Absent with leave--Senators

Bartle	Dolan	Ridgeway--3
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Vacancies--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 54, regarding the One Hundredth Birthday of Marcella McKinney, Houston, which was adopted.

Senator Cauthorn offered Senate Resolution No. 55, regarding Carol Gallaher, Mexico, which was adopted.

Senator Shields offered Senate Resolution No. 56, regarding Bill Grigsby, Parkville, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 175-By Koster.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a scholarship program for children of veterans killed in combat.

SB 176-By Vogel and Mayer.

An Act to repeal section 57.080, RSMo, and to enact in lieu thereof two new sections relating to political subdivision elections, with an emergency clause and an expiration date.

SB 177-By Shields.

An Act to repeal section 105.712, RSMo, and to enact in lieu thereof one new section relating to dental care.

SB 178-By Shields.

An Act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, with penalty provisions.

SB 179-By Griesheimer, Scott, Nodler and Koster.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to cost recovery for utility companies.

SB 180-By Loudon, Mayer, Nodler, Koster, Purgason, Bartle, Crowell, Shields, Gross and Gibbons.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Ronald Reagan Day in Missouri.

SB 181-By Loudon, Klindt, Mayer, Nodler, Koster, Purgason, Bartle, Crowell, Shields, Gross and Gibbons.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial bridge.

SB 182-By Scott.

An Act to repeal section 323.075, RSMo, and to enact in lieu thereof two new sections relating to liquefied petroleum gases, with an effective date.

SB 183-By Scott, Loudon, Clemens, Champion, Nodler and Kennedy.

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement.

SB 184-By Coleman.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to the creation of the gang resistance education and training program fund, with an expiration date.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Larry Crawford, as Director of the Department of Corrections;

Also,

Trish Vincent, as Director of the Department of Revenue;

Also,

Frederick H. Ferrell, as Director of the Department of Agriculture;

Also,

Michael N. Keathley, as Commissioner of the Office of Administration;

Also,

Alison Craighead, as Director of the Division of Professional Registration.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

RESOLUTIONS

Senator Gibbons, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 57

WHEREAS, the members of the Missouri Senate hold in tremendous esteem those Show-Me State residents who have proven down through the years to be committed to helping state government provide its much-needed services and programs in the efficient, effective manner mandated by the public; and

WHEREAS, Michael N. Keathley of Dexter has attained considerable distinction as the Senate Administrator who accepted that office's diverse duties and responsibilities in 2002; and

WHEREAS, on Thursday, January 13, 2005, Michael Keathley will draw his efforts as Senate Administrator to a close when he is sworn in at noon as the new Commissioner of the Office of Administration; and

WHEREAS, Michael Keathley brings to his leadership of the Office of Administration a wealth of knowledge and experience which he garnered from his position as Senate Administrator and from his earlier work as Assistant to the Chief Financial Officer, Director of Purchasing, Director of Marketing, Vice President for Marketing, Vice President of Sales and Marketing, and President of IXL Manufacturing Company, Incorporated, in Bernie, Missouri; and

WHEREAS, the holder of a Bachelor of Arts degree from Vanderbilt University in Nashville, Tennessee, Michael Keathley has developed and maintained an excellent reputation as a member of the American Hardware Manufacturers Association, Hardware Marketing Council, Hickory Handle Association, Boys Scouts of America's Southeast Missouri Council Executive Board and Greater Saint Louis Area Council Executive Board, and The Nature Conservancy; the president, the interim administrator, and a member of the Board of Directors for Dexter Memorial Hospital; and the chairman of the Depot Restoration Committee and a member of the Transportation Planning Committee for the city of Dexter; and

WHEREAS, Michael Keathley is justifiably proud to be known as the beloved husband of Julie Rehm Keathley and the loving father of four-year-old Peyton Rehm Keathley and three-year-old Mason Reagan Keathley:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the stellar record of contributions so generously given by Michael Keathley during his impressive tenure as Senate Administrator and to convey to him this legislative body's most heartfelt best wishes as he shifts the focus of his time and energy to his new position as Commissioner of the Office of Administration; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Michael N. Keathley of Dexter, Missouri.

Senator Callahan offered Senate Resolution No. 58, regarding the Boys Basketball program at William Chrisman High School, Independence, which was adopted.

Senator Engler offered Senate Resolution No. 59, regarding the One Hundredth Birthday of Florence Hawn, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 60, regarding Betty Combs, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 61, regarding Susan Todd Seufert, Farmington, which was adopted.

Senator Wilson offered Senate Resolution No. 62, regarding Joe Seabrooks, Jr., which was adopted.

Senator Stouffer offered Senate Resolution No. 63, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Sam Barr, Kearney, which was adopted.

COMMUNICATIONS

Senator Shields submitted the following:

January 13, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's St. Louis City Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

St. Louis City Caucus:

Senator Maida Coleman

Senator Pat Dougherty

Senator Harry Kennedy

Representative Yaphett El-Amin

Representative Rodney Hubbard

Representative Jeanette Mott Oxford

Representative Amber Boykins

Representative Connie Johnson

Representative Robin Wright Jones

Representative Rachel Storch

Representative Fred Kratky

Representative Mike Vogt

Representative Mike Daus

Representative Tom Villa

Also,

January 13, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Friends of the 20th Senate District Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Friends of the 20th Senate District Caucus:

Senator Dan Clemens

Senator Larry Gene Taylor

Senator John Cauthorn

Representative Jay Wasson

Representative Michael Cunningham

Representative Ray Weter

Representative Brad Roark

Representative Mark Wright

Representative Jim Viebrock

Representative Van Kelly

REPORTS OF COMMITTEES

Pursuant to Section 536.021, RSMo, Senator Gross submitted a copy of the Joint Committee on Administrative Rules' committee report regarding the Department of Natural Resources, Hazardous Waste Commission, Dry Cleaning Environmental Response Trust Fund (DERT). A copy of the committee's report is on file in the office of the Secretary of Senate.

Senator Gross assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 2--Judiciary and Civil and Criminal Jurisprudence.

SB 3--Ways and Means.

SB 5--Commerce, Energy and the Environ-ment.

SB 7--Aging, Families, Mental and Public Health.

SB 8--Aging, Families, Mental and Public Health.

SB 9--Judiciary and Civil and Criminal Jurisprudence.

SB 10--Judiciary and Civil and Criminal Jurisprudence.

SB 13--Ways and Means.

SB 14--Financial and Governmental Organi-zations and Elections.

SB 15--Ways and Means.

SB 17--Judiciary and Civil and Criminal Jurisprudence.

SB 18--Pensions, Veterans' Affairs and General Laws.

SB 20--Education.

SB 22--Transportation.

SB 23--Judiciary and Civil and Criminal Jurisprudence.

SB 26--Aging, Families, Mental and Public Health.

SB 27--Judiciary and Civil and Criminal Jurisprudence.

SB 28--Aging, Families, Mental and Public Health.

SB 29--Economic Development, Tourism and Local Government.

SB 30--Transportation.

SB 31--Transportation.

SB 32--Judiciary and Civil and Criminal Jurisprudence.

SB 34--Small Business, Insurance and Industrial Relations.

SB 38--Transportation.

SB 39--Aging, Families, Mental and Public Health.

SB 40--Financial and Governmental Organi-zations and Elections.

SB 41--Judiciary and Civil and Criminal Jurisprudence.

SB 42--Education.

SB 43--Small Business, Insurance and Industrial Relations.

SB 44--Ways and Means.

SB 47--Economic Development, Tourism and Local Government.

SB 48--Education.

SB 51--Judiciary and Civil and Criminal Jurisprudence.

SB 52--Judiciary and Civil and Criminal Jurisprudence.

SB 53--Judiciary and Civil and Criminal Jurisprudence.

SB 55--Small Business, Insurance and Industrial Relations.

SB 57--Small Business, Insurance and Industrial Relations.

SB 58--Ways and Means.

SB 59--Small Business, Insurance and Industrial Relations.

SB 60--Aging, Families, Mental and Public Health.

SB 61--Financial and Governmental Organi-zations and Elections.

SB 63--Pensions, Veterans' Affairs and General Laws.

SB 64--Aging, Families, Mental and Public Health.

SB 65--Judiciary and Civil and Criminal Jurisprudence.

SB 66--Pensions, Veterans' Affairs and General Laws.

SB 67--Judiciary and Civil and Criminal Jurisprudence.

SB 68--Ways and Means.

SB 70--Economic Development, Tourism and Local Government.

SB 72--Small Business, Insurance and Industrial Relations.

SB 73--Judiciary and Civil and Criminal Jurisprudence.

SB 74--Aging, Families, Mental and Public Health.

SB 75--Aging, Families, Mental and Public Health.

SB 76--Transportation.

SB 79--Ways and Means.

SB 80--Economic Development, Tourism and Local Government.

SB 81--Education.

SB 82--Small Business, Insurance and Industrial Relations.

SB 83--Judiciary and Civil and Criminal Jurisprudence.

SB 84--Financial and Governmental Organi-zations and Elections.

SB 85--Education.

SB 86--Economic Development, Tourism and Local Government.

SB 87--Education.

SB 88--Aging, Families, Mental and Public Health.

SB 89--Ways and Means.

SB 90--Aging, Families, Mental and Public Health.

SB 91--Education.

SB 92--Transportation.

SB 93--Financial and Governmental Organi-zations and Elections.

SB 94--Transportation.

SB 95--Aging, Families, Mental and Public Health.

SB 96--Judiciary and Civil and Criminal Jurisprudence.

SB 99--Economic Development, Tourism and Local Government.

SB 100--Financial and Governmental Organi-zations and Elections.

SB 102--Education.

SB 103--Education.

SB 105--Pensions, Veterans' Affairs and General Laws.

SB 106--Small Business, Insurance and Industrial Relations.

SB 107--Governmental Accountability and Fiscal Oversight.

SB 108--Ways and Means.

SB 109--Education.

SB 110--Small Business, Insurance and Industrial Relations.

SB 111--Small Business, Insurance and Industrial Relations.

SB 113--Judiciary and Civil and Criminal Jurisprudence.

SB 115--Education.

SB 116--Education.

SB 118--Education.

SB 119--Pensions, Veterans' Affairs and General Laws.

SB 120--Governmental Accountability and Fiscal Oversight.

SB 121--Pensions, Veterans' Affairs and General Laws.

SB 122--Governmental Accountability and Fiscal Oversight.

SB 123--Judiciary and Civil and Criminal Jurisprudence.

SB 124--Commerce, Energy and the Environ-ment.

SB 125--Ways and Means.

SB 128--Commerce, Energy and the Environ-ment.

SB 131--Economic Development, Tourism and Local Government.

SB 132--Commerce, Energy and the Environ-ment.

SB 133--Financial and Governmental Organi-zations and Elections.

SB 134--Economic Development, Tourism and Local Government.

SB 135--Economic Development, Tourism and Local Government.

SB 136--Education.

SB 137--Small Business, Insurance and Industrial Relations.

SB 138--Ways and Means.

SB 139--Economic Development, Tourism and Local Government.

SB 140--Financial and Governmental Organi-zations and Elections.

SB 141--Financial and Governmental Organi-zations and Elections.

SB 142--Transportation.

SB 143--Ways and Means.

SB 144--Judiciary and Civil and Criminal Jurisprudence.

SB 145--Small Business, Insurance and Industrial Relations.

SB 146--Aging, Families, Mental and Public Health.

SB 147--Agriculture, Conservation, Parks and Natural Resources.

SB 148--Commerce, Energy and the Environ-ment.

SB 149--Judiciary and Civil and Criminal Jurisprudence.

SB 150--Governmental Accountability and Fiscal Oversight.

SB 151--Small Business, Insurance and Industrial Relations.

SB 152--Aging, Families, Mental and Public Health.

SB 153--Aging, Families, Mental and Public Health.

SB 154--Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Dr. Les Duncan, Principal, Mrs. Leanna Johnson, Richie Plummer, Amber Hankins, Ashleigh Fox, Codi Giessing, Meredith Huffman, Chelsea Vogelsang, Heather Knox, and Matthew Pritchett, eighth grade students from St. Paul's Lutheran School, Farmington.

Senator Wheeler introduced to the Senate, Dr. Richard K. Haile, MD, Vincent Carter, and Hewart R. Tillett, MBA, CPA, Kansas City.

On motion of Senator Shields, the Senate adjourned until 12:00 noon, Tuesday, January 18, 2005.

SENATE CALENDAR

SEVENTH DAY-TUESDAY, JANUARY 18, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 155-Mayer

SB 156-Shields

SB 157-Crowell

SB 158-Cauthorn

SB 159-Cauthorn

SB 160-Bartle, et al

SB 161-Gross

SB 162-Gross

SB 163-Loudon, et al

SB 164-Crowell

SB 165-Bartle

SB 166-Green

SB 167-Green

SB 168-Dolan, et al

SB 169-Gross

SB 170-Gross

SB 171-Purgason

SB 172-Purgason

SB 173-Scott

SB 174-Vogel

SB 175-Koster

SB 176-Vogel & Mayer

SB 177-Shields

SB 178-Shields

SB 179-Griesheimer, et al

SB 180-Loudon, et al

SB 181-Loudon, et al

SB 182-Scott

SB 183-Scott, et al

SB 184-Coleman

SJR 1-Klindt

SJR 2-Klindt

SJR 3-Cauthorn

SJR 4-Cauthorn

SJR 5-Coleman

SJR 6-Bartle

SJR 7-Bartle

SJR 8-Bartle

SJR 9-Clemens

SJR 10-Purgason

SJR 11-Bartle

SJR 12-Taylor

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY--TUESDAY, JANUARY 18, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

"The heavens are telling the glory of God; and the firmament proclaims his handiwork." (Psalm 19:1)

Gracious God, we drove here safely in the beauty of the world around us. The sunlight nurtures us and the cold air revives us, reminding us that the smallest cell in our bodies is a most glorious miracle. So we pray, be with us and continue to open us to the glory of our world and this life and our place in it. And help us, Lord, be prepared for a week of new demands and increasing responsibilities. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 13, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson--31

Absent with leave--Senator Loudon--1

Vacancies--2

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 64, regarding the death of Reverend Jonas Hubbard, Jr., St. Louis, which was adopted.

Senator Mayer offered Senate Resolution No. 65, regarding the Fiftieth Anniversary of the Morehouse Assembly of God Church, Morehouse, which was adopted.

Senator Mayer offered Senate Resolution No. 66, regarding Mariann Wright, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 67, regarding Matthew Carroll, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 68, regarding the Malden High School Beta Club 2004 Group Talent

Team, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 69, regarding the Malden High School Beta Club 2004 Skit Team, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 70, regarding Kristie Gage, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 71, regarding Aaron Luke, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 72, regarding Justin Gregory, Malden, which was adopted.

Senator Klindt offered Senate Resolution No. 73, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Bevel, Ralls, Texas, which was adopted.

Senator Klindt offered Senate Resolution No. 74, regarding Joshua Adam Billings, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 75, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Virgil Brummitt, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 76, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wesley Bland, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 77, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Calvin Bennett, Camden Point, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 185-By Loudon, Mayer, Nodler, Griesheimer, Cauthorn, Purgason, Ridgeway, Engler, Clemens, Bartle, Klindt, Vogel, Shields, Stouffer, Taylor, Champion, Scott, Dolan, Crowell and Gibbons.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to establishment of the open contracting act.

SB 186-By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto eleven new sections relating to the powers and duties of the Missouri electrical industry licensing board, with penalty provisions.

SB 187-By Cauthorn and Clemens.

An Act repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, 640.755, and 644.016, RSMo, and to enact in lieu thereof ten new sections relating to concentrated animal feeding operations.

SB 188-By Griesheimer and Gibbons.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment of business personal property, with an emergency clause and an effective date.

SB 189-By Gross.

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to the health care provider tax, with an emergency clause.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the

Senate Chamber today.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William F. Ringer, Republican, 508 NE Olympic Court, Lee's Summit, Jackson County, Missouri 64064, as the Public Representative of the Labor and Industrial Relations Commission, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, Ken Jacob, resigned.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointment to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 155--Education.

SB 156--Transportation.

SB 157--Pensions, Veterans' Affairs and General Laws.

SB 158--Judiciary and Civil and Criminal Jurisprudence.

SB 159--Judiciary and Civil and Criminal Jurisprudence.

SB 161--Education.

SB 162--Aging, Families, Mental and Public Health.

SB 163--Small Business, Insurance and Industrial Relations.

SB 164--Aging, Families, Mental and Public Health.

SB 165--Judiciary and Civil and Criminal Jurisprudence.

SB 166--Small Business, Insurance and Industrial Relations.

SB 167--Aging, Families, Mental and Public Health.

SB 168--Judiciary and Civil and Criminal Jurisprudence.

SB 169--Ways and Means.

SB 170--Ways and Means.

SB 171--Agriculture, Conservation, Parks and Natural Resources.

SB 172--Agriculture, Conservation, Parks and Natural Resources.

SB 173--Aging, Families, Mental and Public Health.

SB 174--Economic Development, Tourism and Local Government.

SB 175--Pensions, Veterans' Affairs and General Laws.

SB 176--Economic Development, Tourism and Local Government.

SB 177--Judiciary and Civil and Criminal Jurisprudence.

SB 178--Financial and Governmental Organi-zations and Elections.

SB 179--Commerce, Energy and the Environment.

SB 180--Financial and Governmental Organi-zations and Elections.

SB 181--Transportation.

SB 182--Small Business, Insurance and Industrial Relations.

SB 183--Pensions, Veterans' Affairs and General Laws.

SB 184--Judiciary and Civil and Criminal Jurisprudence.

SJR 1--Agriculture, Conservation, Parks and Natural Resources.

SJR 2--Governmental Accountability and Fiscal Oversight.

SJR 3--Agriculture, Conservation, Parks and Natural Resources.

SJR 4--Education.

SJR 5--Financial and Governmental Organi-zations and Elections.

SJR 6--Financial and Governmental Organi-zations and Elections.

SJR 7--Transportation.

SJR 8--Agriculture, Conservation, Parks and Natural Resources.

SJR 9--Governmental Accountability and Fiscal Oversight.

SJR 10--Agriculture, Conservation, Parks and Natural Resources.

SJR 11--Transportation.

SJR 12--Financial and Governmental Organ-izations and Elections.

COMMUNICATIONS

In accordance with the provisions of Section 226.133, RSMo, the Missouri Highway and Transportation Commission has filed its proposed projects and bonding plan for putting Amendment 3 funds to work. A copy is on file in the office of the Secretary of Senate.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Todd and Rosanna Barr and their children, Lauren and Brandon, Jackson County; and Lauren and Brandon were made honorary pages.

Senator Clemens introduced to the Senate, Thomas and Pam Cooper, their daughter, Michelle, and seventy-one Homeschoolers, Ozark.

Senator Dolan introduced to the Senate, Brian Schmidt, Lake St. Louis; and Matt Terry, Columbia.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Jim Gould, M.D., Festus.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY-WEDNESDAY, JANUARY 19, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 160-Bartle, et al

SB 185-Loudon, et al

SB 186-Loudon

SB 187-Cauthorn and Clemens

SB 188-Griesheimer and Gibbons

SB 189-Gross

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY--WEDNESDAY, JANUARY 19, 2005

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The law of the Lord is perfect, reviving the soul; the decrees of the Lord are sure." (Psalm 19:7)

Heavenly Father, we are most thankful for Your presence with us as we try to make laws that enlighten and provide justice for our people. Guide and direct our minds and actions this day that we might be about what is required of us, having a clear eye of discernment and a rejoicing heart in our interactions with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 78, regarding James "Jim" Jacobsen, St. Louis, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 79, regarding the One Hundred Fiftieth Anniversary of the Affton School District, which was adopted.

Senator Crowell offered Senate Resolution No. 80, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dick Thomas, Cape Girardeau, which was adopted.

Senator Shields offered Senate Resolution No. 81, regarding Carl J. James, D.D.S., Rolla, which was adopted.

Senator Shields offered Senate Resolution No. 82, regarding Ted M. Ziske, D.D.S., Salem, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 83

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chambers at our State Capitol, where the students in attendance will be addressed by a representative of each of the three branches of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 21, 2005.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 83** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 83** was adopted.

Senator Graham offered Senate Resolution No. 84, regarding the Ninetieth Birthday of Margaret Kelsey Hauschild, Columbia, which was adopted.

Senator Nodler offered Senate Resolution No. 85, regarding John O. "Pat" Phelps, Carthage, which was adopted.

Senator Vogel offered Senate Resolution No. 86, regarding George A. Lombardi, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 190-By Griesheimer.

An Act to repeal sections 443.803, 443.805, 443.816, 443.821, 443.823, 443.827, 443.833, 443.839, 443.849, 443.851, 443.855, 443.857, 443.859, and 443.885, RSMo, and to enact in lieu thereof fifteen new sections relating to mortgage broker licensure.

SB 191-By Koster.

An Act to repeal section 478.570, RSMo, and to enact in lieu thereof one new section relating to the number of circuit judges in the seventeenth judicial circuit.

SB 192-By Engler.

An Act repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

SB 193-By Engler, Taylor, Stouffer, Mayer and Cauthorn.

An Act to amend chapter 253, RSMo, by adding thereto three new sections relating to the Missouri state park board, with penalty provisions.

SB 194-By Engler.

An Act to repeal section 595.209, RSMo, and to enact in lieu thereof one new section relating to rights of crime victims.

SB 195-By Graham.

An Act to repeal sections 143.121, 143.431, 313.805, 313.820, and 313.822, RSMo, and to enact in lieu thereof five new sections relating to revenues for higher education.

SB 196-By Ridgeway and Stouffer.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

SB 197-By Gross.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the prohibition of public school athletic teams from participating in athletic tournaments held in municipalities tolerant of marijuana usage, with penalty provisions.

SB 198-By Gross.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to teaching sex education in public schools.

SB 199-By Gross.

An Act to repeal section 42.202, RSMo, and to enact in lieu thereof one new section relating to the application deadline for Korean conflict medallions, medals, and certificates.

SB 200-By Gross.

An Act to amend chapter 64, RSMo, by adding thereto one new section relating to flood plains.

SB 201-By Green.

An Act to repeal section 130.032, RSMo, relating to limitations on campaign contributions.

SB 202-By Crowell.

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement.

SJR 13-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, and 9 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the number of members of the general assembly.

INTRODUCTIONS OF GUESTS

Senator Dolan introduced to the Senate, Mrs. Stephanie Madlinger and Justin Bray, Megan Farrah, Rachael Kinworthy and Nick Smith, fifth grade students from Winfield Intermediate School, Winfield.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. Debbi McCaul, M.D., Rolla.

Senator Kennedy introduced to the Senate, Jason Chen, a Senator Student from Grinnell College, Grinnell, Iowa.

Senator Scott introduced to the Senate, Charles Ballard, Dadeville.

Senator Ridgeway introduced to the Senate, DuLane Gash, Gladstone; and Terry Trafton, Kansas City.

Senator Mayer introduced to the Senate, Ms. Polly Bradford, Lisa and Ethen Maddox, Amy and Chelsey Rhoda, Jake Rhodes and Clinton Hubbard, teachers, parents, and students from Bell City RII School, Bell City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY-THURSDAY, JANUARY 20, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 160-Bartle, et al

SB 185-Loudon, et al

SB 186-Loudon

SB 187-Cauthorn and Clemens

SB 188-Griesheimer and Gibbons

SB 189-Gross

SB 190-Griesheimer

SB 191-Koster

SB 192-Engler

SB 193-Engler, et al

SB 194-Engler

SB 195-Graham

SB 196-Ridgeway and Stouffer

SB 197-Gross

SB 198-Gross

SB 199-Gross

SB 200-Gross

SB 201-Green

SB 202-Crowell

SJR 13-Bartle

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY--THURSDAY, JANUARY 20, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

"May God be gracious to us and bless us and make his face to shine upon us,..." (Psalm 67:1)

Loving Father, we pray that You will be gracious to us and direct our steps and efforts this day. And we pray, "watch our going out and coming in" as we return to be with loved ones. And Lord, we pray for Senator Purgason's family at the death of his father. Bless them with Your presence and comfort them with the assurance of Your mercy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Graham	Green	Griesheimer	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson--30		
Absent with leave--Senators			
Gibbons	Gross--2		
	Vacancies--2		

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 87, regarding Jacob Michael D'Agostino, Overland Park, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 88, regarding Reverend Debra Valentine, Mayview, which was adopted.

Senator Stouffer offered Senate Resolution No. 89, regarding the death of Mary Lu (Bullock) Slaughter, LaPlata,

which was adopted.

Senator Stouffer offered Senate Resolution No. 90, regarding the City of Richmond, which was adopted.

Senator Mayer offered Senate Resolution No. 91, regarding Jeff Drury, Poplar Bluff, which was adopted.

Senator Crowell offered Senate Resolution No. 92, regarding Joe Gambill, Cape Girardeau, which was adopted.

Senators Vogel and Champion offered Senate Resolution No. 93, regarding Jan Robbins, Springfield, which was adopted.

Senator Callahan offered Senate Resolution No. 94, regarding the death of Tom Buckley, Independence, which was adopted.

Senator Koster offered Senate Resolution No. 95, regarding Kristopher Adam "Kris" Moore, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 96, regarding Dustin William "Dusty" Moore, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 97, regarding Wesley "Wes" Maness, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 98, regarding William C. "Will" Fosberg, Holden, which was adopted.

Senator Koster offered Senate Resolution No. 99, regarding David John "DJ" Denfeld, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 100, regarding George Bilbruck, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 101, regarding Austin Phillip Reed, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 102, regarding Ricardo Rampone, Knob Noster, which was adopted.

Senator Koster offered Senate Resolution No. 103, regarding Michael Laurence Caleb "Mike" Othic, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 104, regarding Michael Elliot "Eli" Kirchhoff, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 105, regarding Ian Lowell Kreher, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 106, regarding Kyle Robert Hookey, II, Whiteman Air Force Base, which was adopted.

Senator Mayer offered Senate Resolution No. 107, regarding the One Hundredth Birthday of Vallie A. Bollinger, Advance, which was adopted.

Senator Bartle offered Senate Resolution No. 108, regarding the Sixtieth Birthday of Costa George Haddad, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 109, regarding the One Hundred First Birthday of Essie Chamberlain, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 110, regarding J. Melvin Motley, Bowling Green, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 203-By Dougherty, Graham, Coleman, Wilson, Green, Days, Bray and Callahan.

An Act to repeal sections 103.003, 103.005, 103.036, 148.320, and 354.130, RSMo, and to enact in lieu thereof six new sections relating to the Missouri consolidated health care plan.

SB 204-By Dougherty, Graham, Coleman, Wilson, Green, Bray and Callahan.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 205-By Klindt.

An Act to repeal section 67.1846, RSMo, and to enact in lieu thereof one new section relating to right-of-way.

SB 206-By Champion.

An Act to repeal section 99.918, RSMo and to enact in lieu thereof one new section relating to municipal building projects in certain cities.

SB 207-By Graham.

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to the sales tax holiday, with an emergency clause.

SB 208-By Koster.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to department of mental health facilities.

SB 209-By Koster.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

SB 210-By Griesheimer.

An Act to repeal sections 49.082, 50.334, 50.343, 51.281, 52.269, 52.271, 53.082, 54.320, 55.091, 56.265, 57.317, 58.095, 67.1850, 137.115, and 473.742, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and to enact in lieu thereof sixteen new sections relating to county government.

SB 211-By Loudon.

An Act to repeal sections 407.911, 407.912, and 407.913, RSMo, and to enact in lieu thereof three new sections relating to certain merchandising practices.

SB 212-By Loudon.

An Act to repeal section 379.160, RSMo, and to enact in lieu thereof one new section relating to fire insurance coverage.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 18, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rolfe C. McCoy, 1919 Polk Street, Chillicothe, Livingston County, Missouri 64601, to the Missouri Dental Board, for a term ending October 16, 2009, and until his successor is duly appointed and qualified; vice, Debra F. Fink, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 18, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Roger L. Pryor, Democrat, 3410 Elm Point Road, St. Charles, St. Charles County, Missouri 63301, to the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2010, and until his successor is duly appointed and qualified; vice, Gregory W. Booth, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 18, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

King E. Sidwell, 1111 North Kingshighway, Sikeston, Scott County, Missouri 63801, as the Adjutant General of the Missouri National Guard, for a term ending ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Dennis Shull.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey D. Case, Republican, Rural Route Box 93 B Edina, Knox County, Missouri 63537, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, Jeffrey D. Case, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph M. Forand, M.D., 7401 Granbury Circle, St. Louis, St. Louis County, Missouri 63123, as a member of the State Board of Health, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Donald L. James, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph J. Frank, 9933 Hilltop Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2005, and until his successor is duly appointed and qualified; vice, Carl Niewoehner, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barbara Hayden, Republican, 1300 W Henry Street, Sedalia, Pettis County, Missouri 65301, as a member of the State Fair Commission, for a term ending December 29, 2009 and until her successor is duly appointed and qualified; vice, David Malmo, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John P. Howerton, Republican, 1282 North West 501, Chilhowee, Henry County, Missouri 64733, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2008, and until his successor is duly appointed and qualified; vice, Charles E. Mitchell, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles C. McGinty, Republican, 5059 McCelland Boulevard, Joplin, Newton County, Missouri 64804, as a member of the Missouri Southern State University-Joplin Board of Governors, for a term ending August 30, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carson Ross, 3305 Park Lane, Blue Springs, Jackson County, Missouri 64105, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gordon Spilker, Democrat, 3301 Brookside, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Albert M. Spradling III, Democrat, 842 Karau, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Donald L. Dickerson, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory A. Steinhoff, 5708 Sundance Street, Columbia, Boone County, Missouri 65203, as the Director of the Missouri Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Kelvin Simmons.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathryn J. Swan, Republican, 3926 Annwood, Cape Girardeau, Cape Girardeau County, Missouri, 63701, as a member of the Coordinating Board for Higher Education, Eighth Congressional District, for a term ending June 27, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory Upchurch, Republican, 762 Whispering Meadows, Manchester, St. Louis County, Missouri 63011, as a member of the Coordinating Board for Higher Education, Second Congressional District, for a term ending June 27, 2010, and until his successor is duly appointed and qualified; vice, Dudley Grove, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Valerie J. White, Republican, 619 Loughmoor Pass, Weldon Springs, St. Charles County, Missouri 63304, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Donna Vandiver, term expired.

Respectfully submitted,

MATT BLUNT

Governor

COMMUNICATIONS

Senator Shields submitted the following:

January 20, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's 21st Senatorial District Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

21st Senatorial District Caucus:

Senator Wm. H. "Bill" Stouffer Representative Joe Aull

Representative Kathy Chinn Representative Doug Ervin

Representative Kenny Jones Representative Mike McGhee

Representative Bob Nance Representative John Quinn

Representative Therese Sander Representative Todd Smith

Also,

January 20, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the

93rd General Assembly's Parkland Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Parkland Caucus:

Sen. Kevin Engler 3

Sen. Jason Crowell 27

Sen. Rob Mayer 25

Rep. Rod Jetton 156

Rep. Steve Tilley 106

Rep. Brad Robinson 107

Rep. Belinda Harris 110

Rep. Ron Casey 103

Rep. Wes Wagner 104

Rep. J.C. Kuessner 152

Rep. Mike Dethrow 153

Rep. Nathan Cooper 158

Also,

January 20, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's 7th Senatorial Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

7th Senatorial Caucus:

Senator John Loudon Representative Jane Cunningham

Representative Scott Muschany Representative Allen Icet

Representative Al Liese Representative Sam Page

Representative Charles Portwood Representative Neal St. Onge

Representative Jodi Stefanick Representative Clint Zweifel

REPORTS OF STANDING COMMITTEES

On behalf of Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, Senator Taylor submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 213-By Cauthorn.

An Act to repeal sections 374.710, 374.730, 374.783, and 374.786, RSMo, and to enact in lieu thereof four new sections relating to statewide professional association membership.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Statler, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 112, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Heuring, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 113, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Holmes, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 114, regarding Charlie Company of the 1140th Engineer Combat Battalion, which was adopted.

COMMUNICATIONS

On behalf of Senator Gibbons, Senator Shields submitted the following:

January 20, 2005

Mrs. Terry Spieler

Secretary of the Senate

State of Missouri

State Capitol, Room 325

Jefferson City, MO 65101

Re: Appointment to Sentencing Advisory Commission

Dear Ms. Spieler:

Pursuant to Section 558.019, RSMo 2000, I am appointing Senator Chris Koster to the Sentencing Advisory Commission.

Please contact me if you have any questions regarding this appointment.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Matthew Seeds, Jefferson City.

Senator Kennedy introduced to the Senate, Olivia Trewatha, Lee's Summit.

Senator Klindt introduced to the Senate, Zach Edwards, St. Joseph.

Senator Dolan introduced to the Senate, Doug Bouldin, Troy.

Senator Engler introduced to the Senate, Richard Herbel, City Manager, Ste.Genevieve.

Senator Champion introduced to the Senate, Kara Arnn, De Soto.

Senator Coleman introduced to the Senate, Daniel Britts, Jefferson City.

Senator Koster introduced to the Senate, Robbie McAnnin, Belton.

Senator Shields introduced to the Senate, Merle Weisenborn, Kansas City.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Edmond Weisbart, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, January 24, 2005.

SENATE CALENDAR

TENTH DAY-MONDAY, JANUARY 24, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 160-Bartle, et al

SB 185-Loudon, et al

SB 186-Loudon

SB 187-Cauthorn and Clemens

SB 188-Griesheimer and Gibbons

SB 189-Gross

SB 190-Griesheimer

SB 191-Koster

SB 192-Engler

SB 193-Engler, et al

SB 194-Engler

SB 195-Graham

SB 196-Ridgeway and Stouffer

SB 197-Gross

SB 198-Gross

SB 199-Gross

SB 200-Gross

SB 201-Green

SB 202-Crowell

SB 203-Dougherty, et al

SB 204-Dougherty, et al

SB 205-Klindt

SB 206-Champion

SB 207-Graham

SB 208-Koster

SB 209-Koster

SB 210-Griesheimer

SB 211-Loudon

SB 212-Loudon

SB 213-Cauthorn

SJR 13-Bartle

SENATE BILLS FOR PERFECTION

SB 176-Vogel & Mayer

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY--MONDAY, JANUARY 24, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not be conformed to this world, but be transformed by the renewing of your minds, so that you may discern what is the will of God." (Romans 12:2)

Almighty God, we begin a new week and ask that we may have uncompromising obedience to what You would have us do here. Bless each of us with Your living word so that we might deal effectively with whatever comes our way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 20, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Koster offered Senate Resolution No. 115, regarding the birth of Blair Edmund Van Biber, Independence, which was adopted.

Senator Kennedy offered Senate Resolution No. 116, regarding Diane Laubenthal, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 117, regarding the Ninety-sixth Birthday of Velma Luetta Branstetter Wolfender, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 118, regarding the One Hundred Sixth Birthday of Wilda May

Beamer, Madison, which was adopted.

Senator Scott offered Senate Resolution No. 119, regarding the One Hundredth Birthday of Laverta Gatliff, Warsaw, which was adopted.

Senator Crowell offered Senate Resolution No. 120, regarding Warren and Betty Hearnese, Charleston, which was adopted.

Senator Crowell offered Senate Resolution No. 121, regarding James P. "Jim" Limbaugh, Cape Girardeau, which was adopted.

Senator Champion offered Senate Resolution No. 122, regarding Brian Lane Thomas, Springfield, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 123, regarding the One Hundred Twenty-fifth Anniversary of the St. Lucas United Church of Christ, St. Louis, which was adopted.

Senators Nodler, Clemens and Taylor offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 124

WHEREAS, the members of the Missouri Senate were truly saddened to learn of the death of Phillip S. "Phil" Huffman of Hartville on Tuesday, January 11, 2005, at the age of sixty-one; and

WHEREAS, a prominent attorney and civic leader, Phil Huffman was born into the loving family of M.J. and Lylian Huffman and was reared in Hartville, Missouri; and

WHEREAS, Phil Huffman attended the University of Missouri-Columbia where he earned a Juris Doctorate from the School of Law, joined Beta Theta Pi, and met his future wife, Sherry Ryals of Unionville; and

WHEREAS, after graduation Phil Huffman joined the private practice of law in cooperation with his father with additional legal endeavors as City Attorney, Prosecuting Attorney, Associate Circuit Judge, and member of the Legal Services of Southern Missouri Board; and

WHEREAS, Phil Huffman proved to be an invaluable member of the Hartville community through his volunteer efforts with Little League baseball and Lions Club, as a lay minister with the Methodist Church, and as Master of Ceremonies for numerous parades and Fourth of July fireworks displays; and

WHEREAS, Phil Huffman truly enjoyed helping others, fostering a sense of community in his hometown, playing golf, investigating local history, solving puzzles, discussing politics and sports with his sister, Marilyn, opening his home to friends, and playing games; and

WHEREAS, Phil Huffman received a tremendous amount of pleasure from spending time with his family, which grew to include two wonderful children, Hilary and Grierson:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to memorialize the life and work of Phil Huffman and to convey this legislative body's most heartfelt condolences to the family members, colleagues, friends, and neighbors who now miss his considerable warmth and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Phillip S. Huffman of Hartville, Missouri.

Senator Champion offered Senate Resolution No. 125, regarding Susan Cole, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 2** be taken up for adoption, which motion prevailed.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 2, appearing on Page 26 of the Senate Journal for Wednesday, January 5, 2005, Column 1, Lines 45-46, by striking the words "10:30 a.m." and inserting in lieu thereof the following: "**6:45 p.m.**".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Shields, **HCR 2**, as amended, was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson--31	
NAYS--Senators--None			
Absent--Senator Green--1			
Absent with leave--Senators--None			
Vacancies--2			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 214-By Scott, Griesheimer, Dolan, Vogel, Graham, Engler, Shields, Loudon, Bartle and Clemens.

An Act to repeal section 192.935, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

SB 215-By Days, Dougherty, Wilson, Bray and Green.

An Act to amend chapter 362, RSMo, by adding thereto one new section relating to electronic transfer of funds by electronic terminals.

SB 216-By Champion.

An Act to amend chapter 492, RSMo, by adding thereto one new section relating to depositions of state crime laboratory employees.

SB 217-By Gross.

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement.

SB 218-By Klindt.

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

SB 219-By Dolan.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

SB 220-By Dolan.

An Act to repeal sections 537.600 and 537.610, RSMo, and to enact in lieu thereof two new sections relating to sovereign immunity.

SB 221-By Dolan.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of large trucks in certain highway lanes, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Vogel moved that **SB 176** be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 176, Pages 2-4, Section 94.1012, Lines 1-71, by striking all of said section; and further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Green, Wheeler and Wilson.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Coleman	Days	Graham	Wilson--4
NAYS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler--27	
Absent--Senator Scott--1			
Absent with leave--Senators--None			
Vacancies--2			

On motion of Senator Vogel, **SB 176** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on Pages 98-101 of the Senate Journal for Thursday, January 20, 2005, to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 160--Judiciary and Civil and Criminal Jurisprudence.

SB 185--Small Business, Insurance and Industrial Relations.

SB 186--Financial and Governmental Organi-zations and Elections.

SB 187--Agriculture, Conservation, Parks and Natural Resources.

SB 188--Ways and Means.

SB 189--Ways and Means.

SB 190--Financial and Governmental Organi-zations and Elections.

SB 191--Judiciary and Civil and Criminal Jurisprudence.

SB 192--Commerce, Energy and the Environ-ment.

SB 193--Agriculture, Conservation, Parks and Natural Resources.

SB 194--Judiciary and Civil and Criminal Jurisprudence.

SB 195--Ways and Means.

SB 196--Ways and Means.

SB 197--Education.

SB 198--Judiciary and Civil and Criminal Jurisprudence.

SB 199--Pensions, Veterans' Affairs and General Laws.

SB 200--Economic Development, Tourism and Local Government.

SB 201--Financial and Governmental Organi-zations and Elections.

SB 202--Pensions, Veterans' Affairs and General Laws.

SB 203--Aging, Families, Mental and Public Health.

SB 204--Aging, Families, Mental and Public Health.

SB 205--Commerce, Energy and the Environ-ment.

SB 206--Economic Development, Tourism and Local Government.

SB 207--Ways and Means.

SB 208--Aging, Families, Mental and Public Health.

SB 209--Transportation.

SB 210--Economic Development, Tourism and Local Government.

SB 211--Small Business, Insurance and Industrial Relations.

SB 212--Small Business, Insurance and Industrial Relations.

SB 213--Financial and Governmental Organi-zations and Elections.

SJR 13--Financial and Governmental Organ-izations and Elections.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 131** to the Committee on Small Business, Insurance and Industrial Relations.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 176**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 24, 2005

Mrs. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Senate Appointment to the Missouri Health Facilities Review Board

Dear Terry:

Pursuant to Section 197.310, RSMo, I am appointing Senator Yvonne Wilson to the Missouri Health Facilities Review Board to replace Senator Mary Bland.

If you have any questions, do not hesitate to contact me.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, Robbie Makinen and his son, Michael Thomas, Independence; and Michael was made an honorary page.

Senator Koster introduced to the Senate, Pastor David Baker, Belton; and Pastor Daniel Boingeanu, Suceava, Romania.

Senator Griesheimer introduced to the Senate, Dr. Ed Obermark, Washington.

Senator Graham introduced to the Senate, Julie Starr and her daughter, Rachel, Columbia.

Senator Stouffer introduced to the Senate, Nathan White, Norborne.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY-TUESDAY, JANUARY 25, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 214-Scott, et al

SB 215-Days, et al

SB 216-Champion

SB 217-Gross

SB 218-Klindt

SB 219-Dolan

SB 220-Dolan

SB 221-Dolan THIRD READING OF SENATE BILLS

SB 176-Vogel & Mayer

RESOLUTIONS

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY--TUESDAY, JANUARY 25, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"He has told you, O mortal, what is good; and what does the Lord require of you but to do justice, and love kindness and to walk humbly with your God? (Micah 6:8)

Holy Father, You have laid out before us what we must do as a God fearing people and as we seek to know what is important for the people of our state; let us see each issue through Your requirements of us. Help us Lord be faithful in both our public and private lives as we seek justice and love among us and may we walk daily in Your footsteps. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32

Absent with leave--Senators--None

Vacancies--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 126, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl R. Stille, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 127, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Joseph Weber, Saint Charles, which was adopted.

Senator Wheeler offered Senate Resolution No. 128, regarding Donald Rosemann, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 129, regarding Carol Hough, Wellington, which was adopted.

Senator Stouffer offered Senate Resolution No. 130, regarding the 2004-2005 La Plata Junior High Basketball Program, which was adopted.

Senator Shields offered Senate Resolution No. 131, regarding David Rall Bradley, III, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 132, regarding Ross Clayton Woodbury, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 133, regarding Ryan Gary Frazer, St. Joseph, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 222-By Callahan.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to which tobacco products can be lawfully sold in Missouri.

SB 223-By Clemens.

An Act to repeal sections 334.719 and 334.721, RSMo, and to enact in lieu thereof two new sections relating to athletic trainer licensing.

SB 224-By Clemens.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a private car ad valorem tax credit.

SB 225-By Cauthorn.

An Act to repeal sections 260.262, 260.273, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, 260.569, 292.604, and 292.606, RSMo, and to enact in lieu thereof fourteen new sections relating to hazardous waste.

SB 226-By Cauthorn.

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to medical assistance cost containment within the Medicaid program.

SB 227-By Engler.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Highway Patrolman Robert Kolilis memorial highway.

SB 228-By Ridgeway.

An Act to repeal section 376.1230, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for chiropractic care.

SB 229-By Bray.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to employment of

retirees of the public school retirement system.

THIRD READING OF SENATE BILLS

SB 176, introduced by Senators Vogel and Mayer, entitled:

An Act to repeal section 57.080, RSMo, and to enact in lieu thereof two new sections relating to political subdivision elections, with an emergency clause and an expiration date.

Was taken up by Senator Vogel.

On motion of Senator Vogel, SB 176 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson--30		
NAYS--Senators--None			
Absent--Senators			
Klindt	Loudon--2		
Absent with leave--Senators--None			
Vacancies--2			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--2			

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee, pursuant to **HCR 2**: Senators Gibbons, Shields, Coleman, Crowell, Clemens, Nodler, Days, Callahan, Wheeler and Kennedy.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 230-By Champion.

An Act to repeal section 488.029, RSMo, and to enact in lieu thereof one new section relating to a surcharge in criminal controlled substance cases.

SB 231-By Crowell.

An Act to amend chapter 174, RSMo, by adding thereto two new sections relating to fiscal accountability at institutions of higher education.

Senator Bartle assumed the Chair.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Lindsey Arbuthnot, Springfield, Illinois.

Senator Graham introduced to the Senate, Dr. and Mrs. Randall Prather and their children, Laura, Rachel, Joshua, Samuel, Caleb, Nathaniel and Naomi, Homeschoolers with Families for Home Education, Columbia; and Laura, Samuel, Caleb, Nathaniel and Naomi were made honorary pages.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Susan Pereira, M.D., Columbia.

Senator Wheeler introduced to the Senate, Scout Leader Greg Lever and St. Peters Cub Scout Pack 118, Kansas City; and Josh Ellerman, Adam Thoma-Perry, Thomas Bauers, Aidan Schaible, Aidan Robbins, Ryan Danaher, Caleb Concannon, Nathan Wagner, John Conklin, Andrew Castillo, Kevin Hornbeck, Kyle Herrington, Jacob Harlow, Matthew Cottrell, Gian LaManno, Sammy Joe Grisafe-Pont, Jefferson Lever, Davis Turney, Hunter Thomas, and Rob Collins were made honorary pages.

Senator Wilson introduced to the Senate, Alberta Morgan and Mary Powell, Kansas City.

Senator Koster introduced to the Senate, Sam Yancey and Jerry Seelinger, Warrensburg.

Senator Scott introduced to the Senate, Principal Terry Chance, Jeremy Budy and twenty students from Ft. Scott Christian Heights School, Ft. Scott, Kansas.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY-WEDNESDAY, JANUARY 26, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 214-Scott, et al

SB 215-Days, et al

SB 216-Champion

SB 217-Gross

SB 218-Klindt

SB 219-Dolan

SB 220-Dolan

SB 221-Dolan

SB 222-Callahan

SB 223-Clemens

SB 224-Clemens

SB 225-Cauthorn

SB 226-Cauthorn

SB 227-Engler

SB 228-Ridgeway

SB 229-Bray

SB 230-Champion

SB 231-Crowell

RESOLUTIONS

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY--WEDNESDAY, JANUARY 26, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not abandon, therefore, that confidence of yours; it brings a great reward." (Hebrews 10:35)

Gracious God, we thank You for providing us a daily shelter, reminding us that You are always looking after us. Give us assurance today of Your love of us and make good use of us as we hear the State of the State and do our part to make it better. And, Lord we pray for the Marines that died this morning, and pray they will know Your mercy and we pray for their families that they will experience Your comforting presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from Fox News Channel had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32

Absent with leave--Senators--None

Vacancies--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 134, regarding the birth of Aislynn Denise Baker, Atlanta, which was adopted.

Senator Stouffer offered Senate Resolution No. 135, regarding the birth of Audrey Ryan Belfield, La Plata, which was adopted.

Senator Dolan offered Senate Resolution No. 136, regarding Austin Totten, Wentzville, which was adopted.

Senator Dolan offered Senate Resolution No. 137, regarding Michael McGinnis, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 138, regarding Cody Schultz, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 139, regarding Jacob Drilling, O'Fallon, which was adopted.

Senator Stouffer offered Senate Resolution No. 140, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ralph Grubb, Nelson, which was adopted.

Senator Ridgeway offered Senate Resolution No. 141, regarding Brett Agee, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 142, regarding Jonathan Klamm, Liberty, which was adopted.

Senator Stouffer offered the following resolution:

SENATE RESOLUTION NO. 143

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 27, 2005 and 8:00 a.m. till noon of October 28, 2005.

Senator Stouffer requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 143** up for adoption, which request was granted.

On motion of Senator Stouffer, **SR 143** was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 232-By Loudon, Kennedy and Gibbons.

An Act to repeal section 537.528, RSMo, and to enact in lieu thereof one new section relating to strategic litigation against public participation.

SB 233-By Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Congressman Ike Skelton Bridge.

SB 234-By Purgason.

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund.

SB 235-By Wheeler.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to joint negotiations of physicians.

SB 236-By Klindt and Clemens.

An Act to repeal section 281.040, RSMo, and to enact in lieu thereof one new section relating to private applicator's of pesticide.

SB 237-By Klindt, Griesheimer, Koster and Gross.

An Act to repeal sections 386.020, 392.200, 392.245, and 392.500, RSMo, and to enact in lieu thereof four new sections relating to tele-communications companies.

SB 238-By Gross.

An Act to repeal section 67.1775, RSMo, and to enact in lieu thereof one new section relating to local sales tax to provide community services for children.

SB 239-By Scott.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to local taxes, with an emergency clause.

SB 240-By Scott.

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof eighteen new sections relating to ethics, with penalty provisions.

SB 241-By Scott.

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist duties.

SB 242-By Scott.

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to registration of deputy coroners and assistant coroners.

SB 243-By Scott.

An Act to repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to reporting and investigating of death by a coroner.

SB 244-By Scott.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the use of tax information for purposes of determining health insurance eligibility.

SB 245-By Scott.

An Act to repeal section 144.044, RSMo, and to enact in lieu thereof one new section relating to taxation of modular units.

SB 246-By Days.

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to the authorization of bonds.

SB 247-By Dolan.

An Act to repeal section 301.3132, RSMo, and to enact in lieu thereof one new section relating to professional engineers license plates.

SB 248-By Dolan.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof two new sections relating to the state income tax.

RESOLUTIONS

Senator Vogel offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 144

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge the work of Show-Me State residents who have diligently helped state government to provide its much-needed services and programs in the efficient, effective manner mandated by the public; and

WHEREAS, Janice Sloca attained considerable distinction as a graduate of Fatima High School who first began her employment with the Missouri Senate on March 14, 1977 and who has spent the last twenty years as the Administrative Assistant to the Senate Administrator; and

WHEREAS, among her many successes and accomplishments, Janice has answered more phone calls than humanly possible; maintained organization amidst "beyond full capacity parking" in a 5-level, round parking garage; ensured access to every nook and cranny of the capitol from the basement to the dome; entertained the strangest of questions; assisted every lobbying interest wishing to "feed the masses" in the Rotunda; and guaranteed meeting space to every committee chairman requesting a room for that last-minute Executive Session; and

WHEREAS, Janice is now known simply as "Janice in the Senate Administrator's office" by all catering businesses in the area, for her last minute phone calls requesting "food for 100 in an hour" to satisfy the voracious appetites of several generations of Missouri State Senators; and

WHEREAS, the next phase of her career will displace her from her seemingly permanent residence in Room 324, she may still be found during down-time, buddied up next to a good friend: the Robin Hood penny machine at Boonville or enjoying a day of cards and food with family; and she'll certainly be "Wel-Comed-Inn" to her favorite watering hole; and

WHEREAS, colleagues will certainly miss the cocked-eyebrow look Janice possesses; a look that speaks volumes and causes nightmares; and

WHEREAS, Janice has earned the confidence and respect of all she has served; proving herself as a dedicated employee to the one hundred nineteen Senators who have served during her tenure, as well as the hundreds of co-workers who have had the privilege of working with her during her twenty-eight years of service; and

WHEREAS, Janice has been blessed with a wonderful family; her husband and best friend, Paul, with whom she shares compassion, understanding and an unconditional love; three children, Tracie, Curtis, and Shelley, all of which are instilled with the love and compassion that she possesses; and her mother and step-father, Velma and Charlie Huesgen:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the stellar contributions so generously given by Janice Sloca and convey to her this legislative body's most heartfelt best wishes as she turns her time and energy to other venues of endeavor; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Janice Lynn Sloca of Jefferson City, Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 249-By Dolan.

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof two new sections relating to the use of safety belts, with penalty provisions and an effective date.

SB 250-By Dolan.

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof two new sections relating to the use of safety belts, with penalty provisions and an effective date.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 25, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John M. Carnahan, III, Democrat, 4467 Bannister Road, Springfield, Greene County, Missouri 65809, as a member of the University of Missouri Board of Curators, Seventh Congressional District, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, M. Sean McGinnis, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 25, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John Douglas Russell, Republican, 1616 Arbour Drive, Lebanon, Laclede County, Missouri 65536, as a member of the University of Missouri Board of Curators, Fourth Congressional District, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice,

Mary L. James, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 25, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David G. Wasinger, Democrat, 860 Durbin Court, Saint Louis, Saint Louis County, Missouri 63141, as a member of the University of Missouri Board of Curators, Second Congressional District, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Connie Hager Silverstein, term expired.

Respectfully submitted,

MATT BLUNT

Governor

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Cooper 155, Davis, Day, Deeken, May, St. Onge, Casey, George, Kuessner and Selby.

On motion of Senator Shields, the Senate recessed until 6:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Phillips, Black, Myers, Wright 137, Denison, Sutherland, Boykins, Fraser, Lampe and Wagner.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the State address: Representatives: Cooper 155, Davis, Day, Deeken, May, St. Onge, Casey, George, Kuessner and Selby.

The Senate observed a moment of silent prayer for Mrs. Charles Wheeler.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed Senator Wilson to replace Senator Wheeler on the escort committee pursuant to **HCR 2**.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Matt Blunt, which motion prevailed.

JOINT SESSIONThe Joint Session was called to order by President Kinder.

The Color Guard from Central High School, St. Joseph, presented the colors.

The Pledge of Allegiance to the Flag was recited.

On roll call the following Senators were present:

Present--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson--31	
	Absent with leave--Senator Wheeler--1		
	Vacancies--2		

On roll call the following Representatives were present:

Present--Representatives

Aull	Baker 123	Baker 25	Barnitz
Bean	Bearden	Behnen	Bivins
Black	Bland	Bowman	Boykins
Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Chappelle-Nadal
Casey	Chinn	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison
Dethrow	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz
Fraser	George	Goodman	Guest
Harris 110	Harris 23	Haywood	Henke

Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones
Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May
McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb
Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schneider
Schoemehl	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng
Stefanick	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock
Villa	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright-Jones	Wright 137	Wright 159
Yaeger	Yates	Young	Zweifel
Mr Speaker--157			
	Absent and Absent with Leave--Representatives		
Avery	Dixon	Stevenson	Vogt
Whorton--5			
	Vacancies--1		

The Joint Committee appointed to wait upon His Excellency, Governor Matt Blunt, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

Lt. Gov. Kinder, Mr. Speaker, Mr. President Pro Tem, distinguished state officials, judges of the Supreme Court, members of the General Assembly, reverend clergy, fellow Missourians:

I come before you this evening to share my vision for leading Missouri in a new direction. I am grateful for the opportunity to work with you to create a state government that respects the people and responds to their needs. It is my duty to recommend to you a budget for Fiscal Year 2006.

The past several years have been difficult for our state. Missouri's job loss crisis has hurt families in every region, reduced state revenue, and increased the demand on already strained social programs.

Missouri students and schools were caught in a political crossfire between the executive and legislative branches of government. Paralysis in the state Capitol caused local school boards to cut their budgets because they did not know how much money the state would provide.

State government's failure to reform the courts drove cherished family doctors and medical specialists from Missouri or out of practice altogether. Our current court system is unfair to doctors, but more importantly it harms every Missourian who struggles to find affordable medical care.

In spite of advances in technology and changes in the economy, state government still operates on an obsolete 1970s model. We have a typewriter government in an Internet age. Few efficient businesses and organizations are structured today the way they were 30 years ago. Missouri taxpayers are not getting full value for their hard-earned tax dollars.

My administration will focus on reversing this course and making Missouri a national leader and a model for other states.

First, so that all Missouri children can reach their full potential, we must make education our highest public policy and budget priority.

Second, to spur economic growth, we must help Missouri's entrepreneurs and employers create and retain good, family-supporting jobs.

Third, to enhance the quality of life, we must improve access to, and the affordability of, quality health care.

Finally, to give taxpayers proper value for their hard-earned tax dollars we will build a modern and efficient state government.

That is why I already signed an executive order prohibiting the purchase of additional cell phones, non-emergency vehicles and office space. We have closed an unnecessary Washington, D.C. lobbying office.

It is also why I have asked Stephen Bradford and Warren Erdman to lead a commission designed to re-evaluate the structure of our state government.

Missourians are ready for these changes and more. I invite all of you, regardless of party, to join with me in providing a government worthy of the people of this great state.

Public education is an investment in our future. If it is to be our top public policy priority, then it must also be our highest budget priority. That is why my budget provides 170.6 million dollars in new funding for our public schools.

This is a 4.7 % increase over last year. Tonight, I reaffirm my commitment that dollars approved for our classrooms will never be withheld under any circumstances whatsoever.

We must make this commitment to our school children in spite of anemic growth in the general revenue budget.

We must also make this commitment without any new job-killing taxes.

The budget that I submit to you tonight is based on the revenue that we will receive. This budget is not built upon tax increases. I do not, and will not, support increasing the tax burden on Missouri families. This means that we must make responsible and often difficult decisions in the rest of the budget.

My budget calls for significant reductions in spending for some state agencies and programs. It demands that state government live within the people's means, with no new job-destroying taxes that harm working families and diminish future economic opportunities.

We must meet our obligation to those who are truly in need of public assistance, but the current Medicaid program has grown far beyond the taxpayers' ability to pay. Rising health care costs and program expansions by previous administrations more than doubled expenditures in just six years. Without reform, Missouri will spend a larger percentage of our total budget on Medicaid than all but one other state. Without aggressive action we cannot properly fund education, or any of our other public policy priorities. With this in mind, I am proposing that we reform our state's Medicaid program. The program and eligibility changes included in this budget were not easily reached decisions, but we have put off the tough decisions for too long. Now is the time for decisive action. Missourians can no longer afford the second most expensive Medicaid program in the United States.

The reformed Medicaid Program will still spend over 5.3 billion dollars. That is 26% of our total state budget. Even after restructuring, we will still dedicate a larger share of our budget to Medicaid than all but 14 states. In other words, 35 other states will spend a smaller percentage of their budget on Medicaid even after we make these much needed changes. Working together, we must create a sustainable Medicaid program that is capable of providing medical care to those who truly need assistance.

There are well documented instances of individuals defrauding the Medicaid system and costing taxpayers millions of dollars each year. I am committed to stopping this theft of taxpayer dollars and I ask you to pass legislation requiring the Department of Social Services to conduct annual eligibility reviews of every Medicaid recipient. This and other anti-fraud measures could allow us to reclaim 75 million dollars in lost revenue for Missourians who truly need public assistance.

The Medicaid eligibility and program changes outlined in this budget will save 626 million dollars in state and federal revenue.

My budget protects all children and expectant mothers covered by Medicaid. Both of these initiatives are responsible uses of taxpayer dollars. Since 1998, the State Children's Health Insurance Program has extended health care coverage to more than 87,000 young Missourians. The CHIP's program is a proactive investment in the future of Missouri's children.

Over the past several years, the state's child welfare system has failed to adequately address the needs of children in its care. Child abuse and neglect offend the basic values of our state. We have a responsibility to provide safe settings for at-risk children and facilitate permanent placement

for children who cannot return home. I propose that the state commit 9.5 million dollars to strengthen subsidized adoption and guardianship programs that find permanent homes for children in foster care. I also propose that we commit 7 million dollars to fund a rate increase for providers of residential treatment services for abused and neglected children.

I believe in the sanctity of life and in protecting unborn children. I support improved conscience protections for health-related professionals. I also support funding alternatives to abortion programs. And this year, I ask the Missouri General Assembly to pass legislation that prohibits the transporting of a minor across state lines for the purpose of obtaining an abortion without parental consent.

The Parents as Teachers program helps prevent child abuse, reduces the number of children in special education programs and ensures that young Missourians are better prepared to learn and advance to the next grade when they start school. This initiative has strengthened the essential bond between parents and their children in thousands of Missouri families. My budget also includes a 5 million dollar increase in the Parents as Teachers program.

The A+ Schools Program encourages high school students to stay in school, make career plans and graduate with the skills and knowledge required for career success. This program provides two years of community college education for students who meet specific requirements. I believe in the A+ program and my budget includes a 4 million dollar increase for this initiative.

Missouri ranks last in combating youth smoking. Most adult smokers start as teens. Missouri has not spent a single penny that we have received from the tobacco settlement to help young people kick the habit or prevent others from starting. This is wrong and my budget sets aside \$875,000 as a first step to reduce smoking by our young people.

To provide relief and assistance to Missouri seniors, I have allocated funds to continue Missouri's Senior Rx program. This will give us time to analyze recently published federal rules for the Medicare prescription drug benefit. We must determine if, and then perhaps how, the state can complement the new federal prescription drug benefit.

In addition, to provide better in-home service care for seniors in their homes, I have included a \$2 per hour wage increase for home health care providers.

Under my budget, Missourians with developmental disabilities would enjoy a higher quality of life in a less restrictive environment, instead of in a state-operated institution. I support plans to expand private-sector community placements through closure of the state-operated Bellefontaine Habilitation Center. These actions will save the state 13.8 million dollars and benefit Missourians with developmental disabilities.

This budget also calls for a reduction of over 1,000 of our state's 60,000 full-time government positions. These positions are spread all across our state, but to balance the budget, additional reductions beyond those that I have specifically identified are necessary. Such reductions must be achieved through better management without harming vital state programs. I am committed to rooting out wasteful spending and I have tasked my department directors with developing budget strategies for Fiscal Year 2006. My budget is based upon a 20% reduction in discretionary spending. Reductions in Fiscal Year 2006 will be part of a smaller core budget in the following years. This action is necessary if we are to increase funding for our public schools and hold the line on taxes.

Missouri is blessed with dedicated public servants. Together we will be tested as we work to reduce costs and deliver better service. Missourians want fair pay for their employees. We should not wait until an election year to do the right thing and I propose a 1% pay increase for all of Missouri's state employees. This does not apply to elected officials.

No new taxes are proposed in my budget. Missouri families pay enough in taxes. They want their state government to live within its means and to make difficult choices, just as they do, when times are tight.

Legislative Priorities

Now, I am pleased to present my legislative initiatives for better schools, a stronger economy, better health care and other important needs.

My number one legislative priority is public education. Few among us tonight in the State Capitol or at home believe the current school funding formula is acceptable. It fails to distribute public funds fairly and has created a system of have's and have not's.

Prior to being sworn into office, I invited teachers, administrators and legislative leaders from both sides of the aisle to an education summit. I said then, and I believe today, that working in a cooperative spirit we can craft a new school funding formula this legislative session that positively affects the lives of young Missourians.

I would like to introduce you to two Missouri students, Caroline Greenberg and Josh Wimpey. Both go to a public school. They are both loved by their families. They are equal in the eyes of God. They should be equal in the eyes of the state. However, one of their school districts spends \$13,376 per year per child and the other one spends \$5,175. That is neither right nor fair.

It is our responsibility as elected officials to fix this problem. Missourians expect and deserve no less.

We are all striving to find a formula that meets the needs of Caroline, Josh and all of our children. The consensus we reach should be based on principles that will offer fundamental change. First, we should allow some school districts to opt out of the formula. In exchange for no state assistance, they will free themselves from most state regulations. This will free up resources for our neediest schools. Second, we should distribute gambling and lottery revenue to school districts on a per pupil allocation. This will allow locally elected school boards to determine how to spend these dollars. Third, we should give school districts a new local option to use either the sales or income tax instead of the property tax. Finally, we must ensure that the special education needs of Missouri students are carefully considered. Again, education is my number one priority and a new formula must be crafted to ensure every Missouri child receives a world-class education.

A college education is increasingly a requirement for success in the workplace. Therefore, my budget maintains the current level of funding for our state's colleges and universities. To help families with children who wish to continue their education beyond high school, I look forward to working with Treasurer Steelman to expand Missouri's 529 plan, commonly referred to as MOST. The MOST fund's overall performance is of great concern to parents investing in the program. Currently, this program is operated by one fund manager and investors have few choices. I believe that Missouri should offer parents other options and that adding this element of competition will improve the fund's overall results.

To create greater opportunity for all Missourians we must improve our entrepreneurial climate.

High workers' compensation insurance premiums are costing Missouri jobs. In 2003, premiums increased by 13.8%. These premiums detract from an employers' ability to reinvest and grow his or her business and to hire new workers. Some Missouri companies have discovered that they can realize significant workers' compensation savings by moving to a neighboring state. The same problems plague even our public schools. In 2001, the Springfield Public School District spent \$451,000 on workers' compensation insurance. In 2004, the District spent 1.4 million dollars - a nearly 1 million dollar increase. These are funds that District could have used to hire 24 additional teachers. Our workers' compensation system must ensure that every injured worker is fully and adequately compensated for work related injuries. But, we cannot afford a system that places us at a competitive disadvantage with other states. Missouri cannot effectively compete with other states for good, family-supporting jobs unless we address this problem.

We need to examine our regulation of telecommunications companies to take into account the changes in technology and realities of the market. The telecommunications industry is critical to the continued expansion of Missouri's economy. Telecommunications technology is changing rapidly and the marketplace is fast outpacing regulation. While making these changes, we must ensure that competitors are treated equally, that investment in infrastructure is encouraged and that consumers receive the benefits of competition.

Assisting our citizens in their efforts to preserve and improve their health is a critical mission of government. In recent years, our state has not given our family caregivers the protection they deserve from out of control medical malpractice insurance costs. This crisis hits every region of our state.

Now, I would like you to join me in welcoming Dr. Anthony Heit who is an OB-GYN. Because of the rising costs of medical malpractice insurance, he was forced to relocate his 13-physician practice to Kansas. What has happened to Dr. Heit, his partners and most importantly his patients has happened all across our state. Rural communities and entire counties lack doctors who will deliver babies. In our largest cities, hospitals and trauma centers have closed due to the loss of skilled specialists. The current litigation climate has created a healthcare crisis, and we must implement real reform now. Thank you for being here tonight Dr. Heit. I look forward to working with this legislature to make the much needed changes that will allow you, and other medical professionals, to return to our great state.

A comprehensive litigation reform bill should include limits on punitive and non-economic damages, strict venue restrictions and increased sanctions against unscrupulous attorneys who file frivolous lawsuits. I support a non-economic damage cap of \$250,000. This reasonable cap has been a part of the solution in other states that have effectively addressed this problem. This bill should also eliminate joint and several liability, a rule that runs counter to fairness and common sense. Under the current system, a party can be forced to pay 100% of a settlement even if they are only 1% liable. I encourage you to pass a comparative fault rule that makes each defendant liable only for that portion of the damages for which they are directly responsible.

The same litigation reform that will improve health care will also help Missouri's small businesses create jobs and economic opportunity.

Strong economic growth also requires a safe and modern transportation system. Keep in mind as you consider possible changes to Missouri's transportation governance that MoDOT is a total transportation agency. I propose adding two members to the Transportation Commission--one representing air and mass transit and one representing freight and river transit. This change would create a total transportation emphasis within the Commission. Let me also assure you that my administration will keep faith with Missouri voters and fully implement Amendment 3. We will ensure that every tax dollar collected for transportation will be used to improve Missouri's transportation infrastructure.

Agriculture is the foundation of Missouri's economy. It is no accident that we are the best fed and best clothed nation in the world. It is because of the hard work and dedication of farmers all across the country and particularly right here in Missouri. Missouri farm families will benefit from

many of the initiatives we are discussing tonight.

I support full funding for the bio-diesel and ethanol incentive funds, which will help position Missouri as a national leader in the fast-growing renewable fuels industry. This action will create new jobs in rural Missouri and lead to improved air quality for every Missourian.

Tonight, I assure communities all across our state that my administration will fully implement the Missouri Rural Economic Stimulus Act, which allows rural communities and counties to knock down barriers and create cutting edge agricultural opportunities.

Protecting Missouri families from violent criminals and ensuring that law enforcement officials have the support they need are two of the most important responsibilities of any governor and General Assembly.

Missouri leads the nation in the production of methamphetamine. In 2003, Missouri had more than twice as many meth incidents as any other state. Too many of our fellow citizens have suffered its ravages. Too many law enforcement officers have been killed or injured in the line of duty trying to fight this deadly epidemic.

I encourage you to pass legislation similar to a law in Oklahoma that has led to an 80% reduction in meth-related incidents. It would require that certain methamphetamine ingredients be purchased only through pharmacies and that customers' names be recorded. Such legislation will help stop methamphetamine producers. The production of methamphetamine is an environmental hazard. It creates dangers for Missouri law enforcement. That is why we must extend Heart and Lung protection to Missouri's law enforcement officers similar to that which has been provided to Missouri's firefighters.

I am honored that one of St. Louis' finest has joined us here this evening. Sgt. John McLaughlin is one of Missouri's law enforcement heroes who keeps our families safe. Sgt. McLaughlin, a 13-year veteran of the force, has been directly involved in working with neighborhoods in St. Louis besieged and threatened by crime for the past four years. He is helping to form a bond with residents and ensure that police and communities work together to stamp out the dangers that force people from neighborhoods - whether it be crimes against property or the constant presence of drug dealers. This kind of personal approach creates a partnership between law enforcement and the people they are bound to protect, and makes our streets safer for everyone. Thank you for being here tonight Sgt. McLaughlin and for your service to the people of St. Louis.

Patriotism is reflected in the faces of so many Missourians. Please join me in thanking those 562,000 brave Missouri veterans and their families for their service to America. As governor, I will never forget the sacrifices of our veterans and we will work hard to meet the needs of veterans' homes, cemeteries and veteran service programs.

We also want to recognize the current sacrifice and commitment of Missouri's citizen soldiers and their families. Missourians stand in defense of freedom around the globe. Two of Missouri's heroes are here with us tonight. Please join me in thanking Lt. Col. A.J. Probst and Sgt. Cindy Smart. Lt. Col. Probst was part of the team that helped liberate Afghanistan and create an independent army to defend its war-torn borders. Lt. Col. Probst was also able to watch as the first female ran for President of Afghanistan, a country that only a few years ago would not allow a woman to speak without the approval of her husband. Thank you Lt. Col. Probst.

Even as daily mortar attacks struck her base camp in Tikrit, not far from where Saddam Hussein was flushed from his hole in the ground, Sgt. Cindy Smart of the 235th Engineer Detachment supported our fighting troops. Thank you for being here tonight Sgt. Smart and for your steadfast service to our country.

We must continue to be mindful of the sacrifices being made by Missouri's guard and reserve members and their families. Let us never forget and honor always the ultimate sacrifices of the 29 Missourians who have given their lives in defense of our freedoms since March of 2003.

As we all know, there are many challenges before us, but where there are challenges there are also opportunities. The decisions reflected in my budget are not the easy decisions, but they are the right ones for our state. I will not lead you down a path of denial. We can no longer hide from our problems. My duty is to lead our state towards our full potential. I will not shirk this responsibility. I ask all of you to rise above partisanship and join in this great effort. Working together, we can provide every Missouri child with a world class education, improve access to affordable health care, provide a climate that helps entrepreneurs create good, family-supporting jobs, reevaluate and retool the structure of our government and hold the line on job-killing taxes.

The people expect us to work together, as partners, to bring positive change to Missouri. As Thomas Jefferson reminds us, not every difference of opinion is a difference of principle. I invite each of you to join with me in a partnership for progress that will benefit all the people of Missouri.

Thank you for allowing me to address you this evening. May God continue to bless each one of you and may God bless the Great State of Missouri.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Kinder.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on Page 117 of today's Journal to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 145, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Burnette Bacon, St. Peters, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 146, regarding Kevin Kast, St. Charles County, which was adopted.

Senator Kennedy offered Senate Resolution No. 147, regarding the One Hundredth Anniversary of St. Andrew Parish, Lemay, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, former State Representative Tony Ribaud, Sue Petersen, Deborah Hostetter and Leslie Miles, St. Louis.

Senator Cauthorn introduced to the Senate, Howard Tanzey, Mexico.

Senator Loudon introduced to the Senate, Brent Stewart, CPA, Fenton; and Mark Mersmann, CPA, Chesterfield.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Daniel Sohn, M.D., St. Louis.

Senator Gibbons introduced to the Senate, Jim O'Hallaron, CPA, Mike Croghan, CPA, Nick Meyers, CPA, Diann Gross, CPA, Bob Letterman, CPA, and Certified Public Accountants from around the state.

Senator Crowell introduced to the Senate, Steve Delvichio, CPA, Jill Hillin, CPA and Gary Johnson, CPA, Cape Girardeau.

Senator Griesheimer introduced to the Senate, Ron Kruse and Bob Engemann, Washington; and Bob Koch, Marthasville.

Senator Vogel introduced to the Senate, Paul Sloca and his daughter, Shelley, Jefferson City; Velma and Charlie Huesgen, Frankenstein; and Tracie and Curtis Wieberg, Jefferson City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY-THURSDAY, JANUARY 27, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 214-Scott, et al

SB 215-Days, et al

SB 216-Champion

SB 217-Gross

SB 218-Klindt

SB 219-Dolan

SB 220-Dolan

SB 221-Dolan

SB 222-Callahan

SB 223-Clemens

SB 224-Clemens

SB 225-Cauthorn

SB 226-Cauthorn

SB 227-Engler

SB 228-Ridgeway

SB 229-Bray

SB 230-Champion

SB 231-Crowell

SB 232-Loudon, et al

SB 233-Stouffer

SB 234-Purgason

SB 235-Wheeler

SB 236-Klindt and Clemens

SB 237-Klindt, et al

SB 238-Gross

SB 239-Scott

SB 240-Scott

SB 241-Scott

SB 242-Scott

SB 243-Scott

SB 244-Scott

SB 245-Scott

SB 246-Days

SB 247-Dolan

SB 248-Dolan

SB 249-Dolan

SB 250-Dolan

RESOLUTIONS

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY--THURSDAY, JANUARY 27, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Inquire first for the word of the Lord." (2 Chronicles 18:4)

Each morning Father may we seek You and know that You are our God. Bless us with Your word first thing each day so we may be Your servants to those we work with, those we live with and those we serve. And Lord, watch "our going out and coming in" as we return to loved ones this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson--30		
Absent with leave--Senators			
Clemens	Wheeler--2		
	Vacancies--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 148, regarding Minor's Harley-Davidson/Suzuki Sales, Cape Girardeau, which was adopted.

Senator Cauthorn offered Senate Resolution No. 149, regarding Gladys Coggsell, Frankford, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 251-By Ridgeway, Loudon, Nodler, Bartle, Green, Callahan, Cauthorn, Griesheimer, Kennedy, Dolan, Dougherty, Koster, Stouffer, Clemens, Purgason, Engler, Mayer and Scott.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to alternatives to abortion services.

SB 252-By Koster, Scott and Stouffer.

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel.

SB 253-By Koster.

An Act to repeal section 301.300, RSMo, and to enact in lieu thereof two new sections relating to sales to and by licensed vehicle dealers without contemporaneous assignment of certificate of title.

SB 254-By Engler.

An Act to amend chapter 577, RSMo, by adding thereto two new sections relating to prescription medication at school, with penalty provisions.

SB 255-By Dolan.

An Act to amend chapter 42, RSMo, by adding thereto one new section relating to Missouri veterans of the war on terror.

SB 256-By Dolan.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to the use of safety belts.

Senator Dolan requested unanimous consent of the Senate to withdraw **SB 249**, which request was granted.

RESOLUTIONS

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 150

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Thirty-fourth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, First Regular Session, that Senate Rules 4, 6, 7, 14, 19, 21, 26, 27, 45, 52, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102 of the temporary rules adopted January 5, 2005, be amended to read as follows:

"Rule 4. The president shall, on each day, announce the business in order agreeable to the preceding rule and no business shall be taken up or considered until the class to which it belongs is declared in order, but communications from the governor and reports from the Committee on Rules, Joint Rules, [and] Resolutions, **and Ethics** may be received at any time.

Rule 6. Upon the written request of the sponsor or floor handler of a bill, the committee on rules, joint rules, [and] resolutions, **and ethics** may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee on rules, joint rules, [and] resolutions, **and ethics** with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. Except as otherwise provided for in this paragraph, only the regular appropriation bills, including the deficiency and the omnibus bills, bills providing for legislative or congressional redistricting, bills producing more than three million dollars in additional state revenue, bills implementing amendments to the Missouri Constitution which were adopted at the immediately preceding state primary or general

election, and bills requiring passage in order that the state receive funds from the federal government for the institution, continuance or expansion of federal-state programs, may be called up or considered out of the order in which the bill appears on the formal calendar of the senate.

All bills reported to the senate floor by the Committee on [State Budget Control] **Governmental Accountability and Fiscal Oversight** shall be placed on the appropriate formal calendar in a position, as near as may be, to that position which the bill would have had absent referral to the Committee on [State Budget Control] **Governmental Accountability and Fiscal Oversight**.

Rule 7. Upon the call of the senate, or upon taking the yeas and nays on any question, the names of the senators shall be called alphabetically, and a senator within the chamber shall vote when his **or her** name is called. **No senator shall be allowed to cast or change his or her vote after yeas and nays have been announced by the president.** In the event a senator within the chamber refuses to cast his **or her** vote, then at the direction of the president he **or she** shall be removed from the chamber and such action noted in the journal.

Rule 14. The president **pro tem** shall sign all acts, joint resolutions and addresses. All writs, warrants and subpoenas issued by order of the senate shall be under his **or her** hand attested by the secretary.

Rule 19. When a bill or joint resolution passes it shall be certified by the secretary, noting the day of its passage [at the foot thereof].

Rule 21. The secretary shall see that all amendments and substitutes are incorporated in any bill amended or substituted for when printed as perfected or truly agreed to, and shall perform such other duties as may be required by the Committee on Rules, Joint Rules, [and] Resolutions, **and Ethics**.

Rule 26. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. **The president pro tem, the majority floor leader, and the minority floor leader shall be ex-officio members of all standing and statutory committees of the senate for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of such committee.**

Rule 27. The Committee on Parliamentary Procedure shall be composed of three members: **the president pro tem, the chairman of the Committee on Judiciary and Civil and Criminal Jurisprudence, and the minority floor leader** [appointed by the president pro tem. Not more than two members of the committee shall be of the same political party].

Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. A bill shall not be considered as consent if it increases net expenditures of the state by more than \$100,000, reduces net revenue of the state by more than \$100,000, increases an existing civil or criminal penalty or if it creates a new civil or criminal penalty. The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules, [and] Resolutions, **and Ethics** may, by filing written objection **with the Secretary of the Senate**, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth.

Rule 52. [All] **Senate** bills reported to the senate from any committee shall lie on the table one day before being perfected and ordered printed[; and bills when reported perfected shall lie over one day before a third reading]. **Senate bills reported perfected and house bills reported from committee shall lie over one day before being third read.**

Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an [original bill] **amendment in the first degree** and be subject to [floor] **second-degree** amendments, except that it shall not be subject to [more than one additional pending substitute which shall be in the first degree and subject to second degree amendments] **amendment by a further floor substitute**. No further amendments or substitutes may be entertained after the senate adopts a substitute bill.

Rule 65. **The withdrawal of a pending motion by its maker or a motion to place a bill on the informal calendar, along with any pending**

amendments or substitutes, by its sponsor is a privilege that may be exercised at any time, even while another member is addressing the senate or if an amendment or substitute is pending. When the senate returns to the bill, the sponsor of the pending amendment or substitute shall be first recognized by the chair on the pending amendment or substitute.

Rule 66. 1. To effect the passage of a bill on the final reading thereof, the vote shall be taken by yeas and nays, and the names of the senators voting for and against the same shall be entered and recorded in the Journal, and if a majority of the senators elected vote in favor thereof, the bill shall be declared passed. **No senator shall be allowed to cast or change his or her vote after the senate's action on said question is announced by the president.**

Rule [66.] **67.** When a bill is put upon its final passage and, failing to pass, a motion is made to reconsider the vote by which it was defeated, the presiding officer shall briefly state the nature of the bill. Thereupon the vote on the motion to reconsider shall be immediately taken, without interrogation or debate, and the subject finally disposed of without interrogation or debate before the senate proceeds to any other business.

2. Any member may offer an amendment or amendments for the portion of a joint resolution or bill to be submitted to the voters by the General Assembly that contains the proposed official summary statement and fiscal note summary. Such amendment may be further amended as provided by the rules of the Senate.

Rule [67.] **68.** No bill shall become a law until after it has been signed by the presiding officer of the senate, in open session. Before the presiding officer affixes his **or her** signature to any bill he **or she** shall suspend all other business, declare that the bill will now be read, and that if no objection be made he **or she** will sign it to the end that it may become a law. The bill shall then be read [at length] and if no objection is made, he **or she** shall, in the presence of the senate, in open session, and before any other business is entertained affix his **or her** signature, which fact shall be noted in the Journal, and the bill immediately sent to the other house. If any senator objects that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the senate or house, or that any particular clause of Article III of the Constitution has been violated in its passage, such objection shall be passed upon by the senate, and if sustained, the presiding officer shall withhold his **or her** signature; but if the objection is not sustained, then any five members may embody it over their signature, in a written protest, under oath, against the signing of the bill. The protest, when offered in the senate, shall be noted upon the Journal, and the original shall be annexed to the bill, to be considered by the governor in connection therewith; and if the bill is one that has not been first signed by the presiding officer of the house, it shall immediately be sent to the house after it has been so read and signed in the senate, for such action thereon in the house as is prescribed by the constitution. (Constitution, Art. III, Sec. 30.)

Rule [68.] **69.** When any bill passed by both houses has been signed as provided for in the preceding rule, it is the duty of the secretary of the senate, if the bill originated in the senate, to present it in person, on the same day on which it was signed, as aforesaid, to the governor, take his **or her** receipt therefor and enter the fact of such delivery and the time thereof upon the Journal. Every bill presented to the governor and returned within fifteen days to the house in which it originated, with the approval of the governor shall become a law unless it is in violation of some provision of the constitution.

Rule [69.] **70.** Bills vetoed by the governor and returned to the senate by the governor or by the house shall stand as reconsidered and such action shall be taken thereon as prescribed by the constitution and by the Joint Rules of the Senate and House of Representatives. (Constitution, Art. III, Sec. 32.)

Rule [70.] **71.** All resolutions proposing amendments to the constitution shall be treated, in all respects, in the introduction and form of proceedings on them in the senate, in the same manner as bills. All other orders and resolutions (except courtesy resolutions) shall be referred to a committee unless the senate otherwise expressly allows by a majority vote of senators elected. Courtesy resolutions will be read only upon request of the senator offering the resolution. Courtesy resolutions shall be printed in the Journal only upon the request of the senator offering the resolution. A senator who wishes to offer a courtesy resolution which is not to be read or printed may file the resolution with the secretary of senate who will show the resolution in the Journal as having been adopted by the senate.

Rule [71.] **72.** A motion to adjourn and a motion to fix the day to which the senate shall adjourn is in order, unless a senator is speaking, or the yeas and nays are being taken, or a call is being made, and shall be decided without debate; and no senator shall leave his **or her** seat until the result is declared.

Rule [72.] **73.** When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. Pending the motion to lay on the table, the merits of the question shall not be discussed, and no motion to postpone to a certain day, to commit or postpone indefinitely, being decided, shall again be allowed on the same day, at the same stage of the bill or proposition.

Rule [73.] **74.** When a question is postponed indefinitely it shall not be acted on during the session.

Rule [74.] **75.** When a question is laid on the table, it may not thereafter be considered except by vote of two-thirds of the senators elected, except that all measures, other than bills which stand as reconsidered having been returned by the governor with his **or her** objections, not finally acted

upon on adjournment of the senate in odd-numbered years shall lie on the table and the subject matter of such measures may be taken from the table only by reintroduction of a measure at a subsequent session of the senate.

Rule [75.] **76.** When a senator is about to speak, he **or she** should rise respectfully and address himself to the chair, standing at his **or her** seat, and wait until his **or her** name or designation is announced, when he **or she** shall proceed, addressing himself always to the chair. **In order to maintain the recognition of the chair, the senator must be engaged in debate or in discourse. When a senator is engaged in debate or discussion and seeks to have the senate stand at ease, the senator must seek unanimous consent of the body.**

Rule [76.] **77. 1.** If two or more senators rise at once, the chair shall name the senator who is to speak first, the other rising having the preference next to speak. **However, nothing in this rule shall be interpreted to prevent any senator not chosen to speak first from immediately making any motion that is in order under the rules.**

2. No member shall interrupt another senator who has the floor or otherwise interrupt the business of the senate, except for the purpose of making a point of order, calling the member having the floor to order, moving the previous question, making an inquiry of the chair, or requesting that the senator having the floor yield. Though another member has the floor, any member shall be recognized by the presiding officer for the purpose of making a point of order, calling the member having the floor to order, moving the previous question, making an inquiry of the chair, or requesting that the senator having the floor yield.

Rule [77.] **78.** The chair shall preserve decorum, and if any senator transgresses the rules of the senate, the chair shall, or any senator may, call him to order, in which case the senator called to order shall immediately sit down, unless permitted to explain; and the senate, if appealed to, shall decide on the case. If there is no appeal, the decision of the chair shall prevail. If the decision of the chair is in favor of the senator called to order, he **or she** shall be at liberty to proceed.

Rule [78.] **79.** If a senator is called to order for words spoken in debate, the senator calling him to order shall repeat the words excepted to, and they shall be taken down in writing on the secretary's table, and no senator shall be held to answer, or be subject to the censure of the senate for words spoken in debate, if any other senator has spoken or business has intervened after the words spoken and before exception to them has been taken.

Rule [79.] **80.** No senator shall speak more than once on the same question without leave of the senate, unless he **or she** is the mover, proposer or introducer of the matter pending, in which case he **or she** shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated.

Rule [80.] **81.** In proceedings and debate of the senate, the senators shall not be spoken of or addressed by their individual names.

Rule [81.] **82.** If the question in debate contains several points, any senator may have it divided if it comprehends propositions in substance so distinct that by one being taken away a substantive proposition remains for the decision of the senate. On motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of the motion to strike out and insert a different proposition shall not prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule [82.] **83.** On the discussion of any business which may, in the opinion of a senator require secrecy, the president shall order the gallery to be cleared, and during the discussion the doors shall remain closed unless otherwise directed by the senate. When nominations are made in writing by the governor of the state to the senate for confirmation, the confirmation shall, without debate, be sent to the senate for confirmation, the confirmation shall, without debate, be referred to the appropriate committee for investigation, and their report shall be made to the senate as soon as practicable.

Rule [83.] **84.** The previous question shall be in this form: "Shall the main question be now put?". It shall only be admitted on written demand of five senators, and sustained by a vote of a majority of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Rule [84.] **85.** On motion of the previous question, no debate shall be allowed and all incidental questions of order arising after the motion is made for the previous question, and pending such motion, shall be decided on appeal or otherwise without debate; if, on a vote for the previous question, the motion is not sustained by a majority of the senators elected, then the further consideration of the subject matter shall be in order.

Rule [85.] **86.** Every motion, except motion to recess or adjourn, shall be reduced to writing if two or more senators request it.

Rule [86.] **87.** When a motion is made it shall be stated by the chair, or being in writing, it shall be handed to and read aloud by the secretary

before debate.

Rule [87.] **88.** After a motion is stated by the chair, it is deemed to be in possession of the senate, but may be withdrawn at any time before a decision or amendment, but afterwards only with the consent of the senate.

Rule [88.] **89.** All questions, whether in committee or senate, shall be first stated in the order in which they are moved, but voted upon in reverse order, except privileged questions, which shall be propounded as stated in Rule 73; and in filling up blanks, the largest sum and longest time shall be put first.

Rule [89.] **90.** The yeas and nays shall not be ordered on any question after a vote has been taken thereon and declared by the chair.

Rule [90.] **91.** Every senator who is within the bar of the senate when a question is put shall assume his **or her** seat, and shall vote when his **or her** name is called unless the senate, for special reasons, excuses him. All motions to excuse a senator from voting shall be made before the senate divides, or before the call for yeas and nays is commenced. In taking the yeas and nays, each senator shall declare distinctly his **or her** vote yea or nay. In the event a senator within the chamber refuses to cast his **or her** vote, then, at the direction of the president, he **or she** shall be removed from the chamber and such action noted in the Journal.

Rule [91.] **92.** When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within three legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills. When a motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question.

Rule [92.] **93.** Any senator voting in the minority on any subject, and protesting against the vote of the senate, may have his **or her** protest entered on the Journal, if the tenor and language of the protest would have been admissible in the discussion of the subject.

Rule [93.] **94.** No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration.

Rule [94.] **95.** No senator shall absent himself from the session of the senate unless he **or she** has leave or is sick or unable to attend. A member who is absent from the chamber for attendance at a standing committee meeting, or a conference committee meeting shall be shown as absent with leave (committee). It shall be the responsibility of the member to advise the secretary of the senate of his or her attendance at such committee meeting.

Rule [95.] **96.** 1. [Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device.] Laptop computers may be used [by the press at the press table] in the Senate Chamber **as long as their use does not violate Rule 77 or is otherwise disruptive to the business of the Senate.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they [don't] **do not** prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

Rule [96.] **97.** In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.

Rule [97.] **98.** No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall

not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.

Rule [98.] **99.** No senator shall be permitted to interrupt a roll call and no senator shall be allowed to change his **or her** vote after a verification is requested by any senator, or after the final vote is announced. When verification is requested, any senator within the chamber who has not voted shall vote prior to the verification of the roll.

Rule [99.] **100.** A roll call vote of the senate shall be taken upon any question at the request of five senators.

Rule [100.] **101.** All senate committees shall meet on call of the chairman and the regular meetings of the committees shall be held at the times and places designated by the Committee on Administration.

Rule [101.] **102.** Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.

[Rule 102. A member of the Senate may accept meals, food, beverage or other gifts from a legislative lobbyist or the lobbyist's principal as defined in section 105.470. (4) (a), RSMo, if any single item accepted has a value of less than fifty dollars, and all items accepted by any member in any calendar year from a lobbyist or lobbyist principal, as defined in section 105.4703. (4) (a), do not exceed a value of one hundred dollars in the aggregate.

This rule shall not apply to:

(1) The participation of members in activities authorized in Section 105.473.3 (2) (c), RSMo, or in caucuses approved by the Senate Ethics Committee, regardless of the aggregate value;

(2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration or participation in seminars or meetings of a state association or receipt of educational materials from a state association;

(3) The acceptance of meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member; or

(4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule.]" and

BE IT FURTHER RESOLVED by the Senate of the Ninety-third General Assembly, First Regular Session, that the temporary rules adopted January 5, 2005, as amended on January 6, 2005, and as amended by this resolution hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-third General Assembly.

At the request of Senator Shields, President Pro Tem Gibbons referred the above resolution to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Gregory A. Steinhoff, as the Director of the Missouri Department of Economic Development;

Also,

King E. Sidwell, as the Adjutant General of the Missouri National Guard;

Also,

Rolfe C. McCoy, to the Missouri Dental Board;

Also,

William F. Ringer, as the Public Representative of the Labor and Industrial Relations Commission;

Also,

Charles C. McGinty, as a member of the Missouri Southern State University-Joplin Board of Governors.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gregory Upchurch, as a member of the Coordinating Board for Higher Education, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 257-By Koster.

An Act to repeal section 115.019, RSMo, and to enact in lieu thereof one new section relating to the board of election commissioners.

SB 258-By Koster.

An Act to repeal section 205.010, RSMo, and to enact in lieu thereof one new section relating to county health centers.

SB 259-By Koster.

An Act to repeal section 64.215, RSMo, and to enact in lieu thereof one new section relating to county planning boards.

SB 260-By Koster.

An Act to repeal section 50.530, RSMo, and to enact in lieu thereof one new section relating to county officials.

SB 261-By Loudon.

An Act to repeal section 379.943, RSMo, and to enact in lieu thereof one new section relating to health insurance, with an expiration date.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David Charles Campbell, M.D., M.Ed., 3857 Utah Place, Saint Louis City, Missouri 63116, as a member of the Drug Utilization Review Board, for a term ending October 15, 2008, and until his successor is duly appointed and qualified; vice, David Charles Campbell, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Craighead, M.D., Republican, 1100 Highland Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the State Board of Registration for the Healing Arts, for a term ending September 2, 2006, and until his successor is duly appointed and qualified; vice, Michael L. Craighead, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard H. Dahl, Republican, 209 Amador Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Investment Trust, for a term ending February 24, 2008, and until his successor is duly appointed and qualified; vice, Richard H. Dahl, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gene H. Dexter, Ph.D., 620 Northwest Cortland Drive, Blue Springs, Jackson County, Missouri 64015, as a public member of the Committee for Professional Counselors, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, Gene H. Dexter, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linda A. Engelmann, 805 Melrose Lane, Liberty, Clay County, Missouri 64068, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2007, and until her successor is duly appointed and qualified; vice, Linda A. Engelmann, withdrawn. Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip L. Gould, 102 Lake Forest, Saint Louis, Saint Louis County, Missouri 63117, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Phillip L. Gould, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John G. Harper, M.Ed., CRC, LPC, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, John G. Harper, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Glenda Kremer, County Road 403, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Glenda Kremer, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

J. Beto Lopez, Democrat, 5724 Northeast Quartz Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2007, and until his successor is duly appointed and qualified; vice, J. Beto Lopez, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey A. Marlow, 1100 La Guille Court, Apartment B, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until his successor is duly appointed and qualified; vice, Jeffrey A. Marlow, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nick L. Matherly, Republican, 12899 Highway DD, Post Office Box 310, Cabool, Texas County, Missouri 65687, as a member of the Land Reclamation Commission, for a term ending September 28, 2007, and until his successor is duly appointed and qualified; vice, Nick L. Matherly, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Shelly R. Shetley, 310 Northeast 94th Street, Apartment 118, Kansas City, Jackson County, Missouri 64155, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Shelly R. Shetley, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 214--Aging, Families, Mental and Public Health.

SB 215--Financial and Governmental Organi-zations and Elections.

SB 216--Judiciary and Civil and Criminal Jurisprudence.

SB 217--Pensions, Veterans' Affairs and General Laws.

SB 218--Commerce, Energy and the Environment.

SB 219--Ways and Means.

SB 220--Economic Development, Tourism and Local Government.

SB 221--Transportation.

SB 222--Economic Development, Tourism and Local Government.

SB 223--Financial and Governmental Organi-zations and Elections.

SB 224--Ways and Means.

SB 225--Ways and Means.

SB 226--Aging, Families, Mental and Public Health.

SB 227--Transportation.

SB 228--Small Business, Insurance and Industrial Relations.

SB 229--Pensions, Veterans' Affairs and General Laws.

SB 230--Judiciary and Civil and Criminal Jurisprudence.

Senator Bartle offered a prayer for Marjorie Wheeler.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 151, regarding Ryan Wayne Glance, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 152, regarding Taylor Grey Epperson, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 153, regarding the Honorable Bruce McGuire, Louisiana, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Marilyn Pinson, Ryann Summerford, and Andrea Oswell-Holmes, Jefferson County.

Senator Taylor introduced to the Senate, Dick Gass, Beverly Martin, and Frank Schoneboom, Branson.

Senator Nodler introduced to the Senate, Adjutant General King Sidwell, Missouri National Guard, Sikeston.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Bill Caldwell, M.D. and Dr. Rose Porter, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, January 31, 2005.

SENATE CALENDAR

FOURTEENTH DAY-MONDAY, JANUARY 31, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 231-Crowell

SB 232-Loudon, et al

SB 233-Stouffer

SB 234-Purgason

SB 235-Wheeler

SB 236-Klindt and Clemens

SB 237-Klindt, et al

SB 238-Gross

SB 239-Scott

SB 240-Scott

SB 241-Scott

SB 242-Scott

SB 243-Scott

SB 244-Scott

SB 245-Scott and Nodler

SB 246-Days

SB 247-Dolan

SB 248-Dolan

SB 250-Dolan

SB 251-Ridgeway, et al

SB 252-Koster, et al

SB 253-Koster

SB 254-Engler

SB 255-Dolan

SB 256-Dolan

SB 257-Koster

SB 258-Koster

SB 259-Koster

SB 260-Koster

SB 261-Loudon

RESOLUTIONS

HCR 10-Dempsey (Shields)

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY--MONDAY, JANUARY 31, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Edward John Phelps in 1899 said, "The man who makes no mistakes does not usually make anything."

Gracious God, we know that we don't get through the day without making some mistakes and we know that successful people fail many times; so we turn such moments and times over to You and pray that through them we will learn to serve You and our people better and become more successful in what we hope to accomplish here. And we pray for Senator Wheeler's wife, touch her with Your healing power and let it flow to every cell of her body, bringing her strength and health throughout her body. And we ask You provide the doctors with guidance and wisdom to help her. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 27, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Bray offered Senate Resolution No. 154, regarding Tyler Ball, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 155, regarding Vikram Chakravarthy, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 156, regarding Jessie Gillam, Richmond Heights, which was adopted.

Senator Bray offered Senate Resolution No. 157, regarding the St. Louis Season for Nonviolence Task Force, which was adopted.

Senator Bray offered Senate Resolution No. 158, regarding Barbara Gill, Brentwood, which was adopted.

Senator Bray offered Senate Resolution No. 159, regarding Ann Bergeron and Steve Wellmeier, Creve Coeur, which was adopted.

Senator Vogel offered Senate Resolution No. 160, regarding the One Hundredth Birthday of Louise Baumhoer, Jefferson City, which was adopted.

Senator Wheeler offered Senate Resolution No. 161, regarding Dr. William O. "Bill" Stevens, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 162, regarding Dress Up Dreams, Kearney, which was adopted.

Senator Stouffer offered Senate Resolution No. 163, regarding Terri Godsey, Excelsior Springs, which was adopted.

Senator Klindt offered Senate Resolution No. 164, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ervin Gray, Trenton, which was adopted.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 10** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--2			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 262-By Griesheimer.

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to Missouri wine.

SB 263-By Griesheimer.

An Act to repeal section 190.292, RSMo, and to enact in lieu thereof one new section relating to election of

emergency services board members.

SB 264-By Stouffer.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use taxes.

SB 265-By Taylor.

An Act to repeal section 247.085, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

SB 266-By Gibbons.

An Act to repeal section 168.104, RSMo, and to enact in lieu thereof one new section relating to teachers.

SB 267-By Gibbons.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to property tax reassessment.

SB 268-By Gibbons and Coleman.

An Act to repeal section 184.357, RSMo, and to enact in lieu thereof one new section relating to museums and memorials.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 165

WHEREAS, the members of the Missouri Senate hold in tremendous esteem those Show-Me State residents who have proven down through the years to be committed to helping state government provide its much-needed services and programs in the efficient, effective manner mandated by the public; and

WHEREAS, Henry Thomas Herschel of Jefferson City, has attained distinction as the Director of Senate Research and since he accepted that office's diverse duties and responsibilities in 2002; and

WHEREAS, on Monday, January 31, 2005, Henry Herschel will draw his services as Director of Senate Research to a close when he begins the position of General Counsel for the Office of Administration; and

WHEREAS, Henry Herschel brings to the Office of Administration a wealth of knowledge and experience which he garnered from his positions as Director of Senate Research; Attorney for Blitz, Bardgett & Deutsch, L.C.; Chief Counsel, Consumer Protection Division and Public Protection Division, Office of Attorney General; Assistant Attorney General with the Office of Attorney General; and Personnel Director for L.E. Meyers Company, Ltd; and

WHEREAS, Henry Herschel holds both a Bachelor of Arts degree from Marquette University of Milwaukee, Wisconsin, where he was elected to Phi Beta Kappa, and a Juris Doctor from Washington University Law School of St. Louis, Missouri; and

WHEREAS, Henry Herschel is a talented artist, avid golfer, gourmet cook, trivia guru, insatiable reader, and is the self-proclaimed king of "I can dish it out but can't take it"; and

WHEREAS, Henry Herschel reached a long-sought-after milestone in his life in the summer of 2004 when, after decades of hacking his way around a golf course, he finally amazed all his friends and family by breaking 90; and

WHEREAS, is justifiably proud to be known as the beloved husband of Anne and the loving father of Michael, Carl, Leland, and Morgan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to

applaud the contributions so generously given by Henry T. Herschel during his tenure as Director of Senate Research and to convey to him this legislative body's most heartfelt best wishes as he shifts the focus of his time and energy to his new position as General Counsel for the Office of Administration; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Henry T. Herschel of Jefferson City, Missouri.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and ordered printed:

SB 269-By Shields and Callahan.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainer tax.

SJR 14-By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 40(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation commission.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michelle T. Esswein, Independent, 4420 Firelight Drive, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Michelle T. Esswein, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peggy Tuter Pearl, C.H.E., 847 Pickwick, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Peggy Tuter Pearl, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard H. Strecker, 2204 Julie Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Richard H. Strecker, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 231--Education.

SB 232--Judiciary and Civil and Criminal Jurisprudence.

SB 233--Transportation.

SB 234--Pensions, Veterans' Affairs and General Laws.

SB 235--Aging, Families, Mental and Public Health.

SB 236--Commerce, Energy and the Environment.

SB 237--Commerce, Energy and the Environment.

SB 240--Governmental Accountability and Fiscal Oversight.

SB 241--Governmental Accountability and Fiscal Oversight.

SB 242--Financial and Governmental Organi-zations and Elections.

SB 243--Aging, Families, Mental and Public Health.

SB 244--Small Business, Insurance and Industrial Relations.

SB 245--Ways and Means.

SB 246--Financial and Governmental Organi-zations and Elections.

SB 247--Transportation.

SB 248--Ways and Means.

SB 250--Transportation.

SB 251--Ways and Means.

SB 252--Pensions, Veterans' Affairs and General Laws.

SB 253--Transportation.

SB 254--Judiciary and Civil and Criminal Jurisprudence.

SB 255--Pensions, Veterans' Affairs and General Laws.

SB 256--Transportation.

SB 257--Economic Development, Tourism and Local Government.

SB 258--Economic Development, Tourism and Local Government.

SB 259--Economic Development, Tourism and Local Government.

SB 260--Economic Development, Tourism and Local Government.

SB 261--Small Business, Insurance and Industrial Relations.

On motion of Senator Shields, the Senate recessed until 5:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 150**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 150

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, First Regular Session, that Senate Rules 4, 6, 7, 10, 14, 19, 21, 26, 27, 45, 52, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102 of the temporary rules adopted January 5, 2005, be amended to read as follows:

"Rule 4. The president shall, on each day, announce the business in order agreeable to the preceding rule and no business shall be taken up or considered until the class to which it belongs is declared in order, but communications from the governor and reports from the Committee on Rules, Joint Rules, [and] Resolutions, **and Ethics** may be received at any time.

Rule 6. Upon the written request of the sponsor or floor handler of a bill, the committee on rules, joint rules, [and] resolutions, **and ethics** may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee on rules, joint rules, [and] resolutions, **and ethics** with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. Except as otherwise provided for in this paragraph, only the regular appropriation bills, including the deficiency and the omnibus bills, bills providing for legislative or congressional redistricting, bills producing more than three million dollars in additional state revenue, bills implementing amendments to the Missouri Constitution which were adopted at the immediately preceding state primary or general election, and bills requiring passage in order that the state receive funds from the federal government for the institution, continuance or expansion of federal-state programs, may be called up or considered out of the order in which the bill appears on the formal calendar of the senate.

All bills reported to the senate floor by the Committee on [State Budget Control] **Governmental Accountability and Fiscal Oversight** shall be placed on the appropriate formal calendar in a position, as near as may be, to that position which the bill would have had absent referral to the Committee on [State Budget Control] **Governmental Accountability and Fiscal Oversight**.

Rule 7. Upon the call of the senate, or upon taking the yeas and nays on any question, the names of the senators shall be called alphabetically, and a senator within the chamber shall vote when his **or her** name is called. **No senator shall be allowed to cast or change his or her vote after yeas and nays have been announced by the president.** In the event a senator within the chamber refuses to cast his **or her** vote, then at the direction of the president he **or she** shall be removed from the chamber and such action noted in the journal.

Rule 10. The president pro tem shall be parliamentarian of the senate and may decide all points of order, and in his absence such points of order may be decided by the chairman of the Committee on **the Judiciary and Civil and Criminal Jurisprudence**, except in either case, the point of order may be referred by the then acting parliamentarian, to the Committee on Parliamentary Procedure for consideration and determination. All rulings on points of order shall be subject to an appeal to the senate and all questions and points of order shall be noted by the secretary with the decision thereon. (See also Rule 27.)

Rule 14. The president **pro tem** shall sign all acts, joint resolutions and addresses. All writs, warrants and subpoenas issued by order of the senate shall be under his **or her** hand attested by the secretary.

Rule 19. When a bill or joint resolution passes it shall be certified by the secretary, noting the day of its passage [at the foot thereof].

Rule 21. The secretary shall see that all amendments and substitutes are incorporated in any bill amended or substituted for when printed as perfected or truly agreed to, and shall perform such other duties as may be required by the Committee on Rules, Joint Rules, [and] Resolutions, **and Ethics**.

Rule 26. The membership of all standing committees and of all other committees and commissions, unless otherwise provided by the act or resolution creating them, shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. **The president pro tem, the majority floor leader, and the minority floor leader shall be ex-officio members of all standing and statutory committees of the senate for the purpose of a quorum and discussion but shall have no vote unless they are duly appointed members of such committee.**

Rule 27. The Committee on Parliamentary Procedure shall be composed of three members: **the president pro tem, the chairman of the**

Committee on the Judiciary and Civil and Criminal Jurisprudence, and the minority floor leader [appointed by the president pro tem. Not more than two members of the committee shall be of the same political party].

Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. A bill shall not be considered as consent if it increases net expenditures of the state by more than \$100,000, reduces net revenue of the state by more than \$100,000, increases an existing civil or criminal penalty or if it creates a new civil or criminal penalty. The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules, [and] Resolutions, **and Ethics** may, by filing written objection **with the Secretary of the Senate**, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth.

Rule 52. [All] **Senate** bills reported to the senate from any committee shall lie on the table one day before being perfected and ordered printed[; and bills when reported perfected shall lie over one day before a third reading]. **Senate bills reported perfected and house bills reported from committee shall lie over one day before being third read.**

Rule 64. A substitute for the text of a bill is not in order until all pending amendments thereto have been disposed of. A substitute bill for an original bill or for a committee substitute shall take the form of an original bill and be subject to floor amendments, except that it shall not be subject to [more than one additional pending substitute which shall be in the first degree and subject to second degree amendments] **amendment by a further floor substitute**. No further amendments or substitutes may be entertained after the senate adopts a substitute bill.

Rule 65. **The withdrawal of a pending motion by its maker or a motion to place a bill on the informal calendar, along with any pending amendments or substitutes, by its sponsor is a privilege that may be exercised at any time, even while another member is addressing the senate or if an amendment or substitute is pending. When the senate returns to the bill, the sponsor of the pending amendment or substitute shall be first recognized by the chair on the pending amendment or substitute.**

Rule 66. 1. To effect the passage of a bill on the final reading thereof, the vote shall be taken by yeas and nays, and the names of the senators voting for and against the same shall be entered and recorded in the Journal, and if a majority of the senators elected vote in favor thereof, the bill shall be declared passed. **No senator shall be allowed to cast or change his or her vote after the senate's action on said question is announced by the president.**

2. Any member may offer an amendment or amendments for the portion of a joint resolution or bill to be submitted to the voters by the General Assembly that contains the proposed official summary statement and fiscal note summary. Such amendment may be further amended as provided by the rules of the Senate.

Rule [66.] **67.** When a bill is put upon its final passage and, failing to pass, a motion is made to reconsider the vote by which it was defeated, the presiding officer shall briefly state the nature of the bill. Thereupon the vote on the motion to reconsider shall be immediately taken, without interrogation or debate, and the subject finally disposed of without interrogation or debate before the senate proceeds to any other business.

Rule [67.] **68.** No bill shall become a law until after it has been signed by the presiding officer of the senate, in open session. Before the presiding officer affixes his **or her** signature to any bill he **or she** shall suspend all other business, declare that the bill will now be read, and that if no objection be made he **or she** will sign it to the end that it may become a law. The bill shall then be read [at length] and if no objection is made, he **or she** shall, in the presence of the senate, in open session, and before any other business is entertained affix his **or her** signature, which fact shall be noted in the Journal, and the bill immediately sent to the other house. If any senator objects that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the senate or house, or that any particular clause of Article III of the Constitution has been violated in its passage, such objection shall be passed upon by the senate, and if sustained, the presiding officer shall withhold his **or her** signature; but if the objection is not sustained, then any five members may embody it over their signature, in a written protest, under oath, against the signing of the bill. The protest, when offered in the senate, shall be noted upon the Journal, and the original shall be annexed to the bill, to be considered by the governor in connection therewith; and if the bill is one that has not been first signed by the presiding officer of the house, it shall immediately be sent to the house after it has been so read and signed in the senate, for such action thereon in the house as is prescribed by the constitution. (Constitution, Art. III, Sec. 30.)

Rule [68.] **69.** When any bill passed by both houses has been signed as provided for in the preceding rule, it is the duty of the secretary of the senate, if the bill originated in the senate, to present it in person, on the same day on which it was signed, as aforesaid, to the governor, take his **or her** receipt therefor and enter the fact of such delivery and the time thereof upon the Journal. Every bill presented to the governor and returned within fifteen days to the house in which it originated, with the approval of the governor shall become a law unless it is in violation of some provision of the constitution.

Rule [69.] **70.** Bills vetoed by the governor and returned to the senate by the governor or by the house shall stand as reconsidered and such action shall be taken thereon as prescribed by the constitution and by the Joint Rules of the Senate and House of Representatives. (Constitution, Art. III, Sec. 32.)

Rule [70.] **71.** All resolutions proposing amendments to the constitution shall be treated, in all respects, in the introduction and form of proceedings on them in the senate, in the same manner as bills. All other orders and resolutions (except courtesy resolutions) shall be referred to a committee unless the senate otherwise expressly allows by a majority vote of senators elected. Courtesy resolutions will be read only upon request of the senator offering the resolution. Courtesy resolutions shall be printed in the Journal only upon the request of the senator offering the resolution. A senator who wishes to offer a courtesy resolution which is not to be read or printed may file the resolution with the secretary of senate who will show the resolution in the Journal as having been adopted by the senate.

Rule [71.] **72.** A motion to adjourn and a motion to fix the day to which the senate shall adjourn is in order, unless a senator is speaking, or the yeas and nays are being taken, or a call is being made, and shall be decided without debate; and no senator shall leave his **or her** seat until the result is declared.

Rule [72.] **73.** When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. Pending the motion to lay on the table, the merits of the question shall not be discussed, and no motion to postpone to a certain day, to commit or postpone indefinitely, being decided, shall again be allowed on the same day, at the same stage of the bill or proposition.

Rule [73.] **74.** When a question is postponed indefinitely it shall not be acted on during the session.

Rule [74.] **75.** When a question is laid on the table, it may not thereafter be considered except by vote of two-thirds of the senators elected, except that all measures, other than bills which stand as reconsidered having been returned by the governor with his **or her** objections, not finally acted upon on adjournment of the senate in odd-numbered years shall lie on the table and the subject matter of such measures may be taken from the table only by reintroduction of a measure at a subsequent session of the senate.

Rule [75.] **76.** When a senator is about to speak, he **or she** should rise respectfully and address himself **or herself** to the chair, standing at his **or her** seat, and wait until his **or her** name or designation is announced, when he **or she** shall proceed, addressing himself **or herself** always to the chair. **If a senator is unable to stand due to a permanent physical disability, he or she, after seeking recognition from the chair, shall be recognized in lieu of standing. If a senator is unable to stand due to a temporary physical disability, he or she shall send a letter to the secretary of the senate, which shall be printed in the journal and subsequently shall be recognized from the chair in lieu of standing. In order to maintain the recognition of the chair, the senator must be engaged in debate or in discourse. When a senator is engaged in debate or discussion and seeks to have the senate stand at ease, the senator must seek unanimous consent of the body.**

Rule [76.] **77.** If two or more senators rise at once, the chair shall name the senator who is to speak first, the other rising having the preference next to speak. **However, nothing in this rule shall be interpreted to prevent any senator not chosen to speak first from immediately making any motion that is in order under the rules.**

Rule [77.] **78.** The chair shall preserve decorum, and if any senator transgresses the rules of the senate, the chair shall, or any senator may, call him **or her** to order, in which case the senator called to order shall immediately sit down, unless permitted to explain; and the senate, if appealed to, shall decide on the case. If there is no appeal, the decision of the chair shall prevail. If the decision of the chair is in favor of the senator called to order, he **or she** shall be at liberty to proceed.

Rule [78.] **79.** If a senator is called to order for words spoken in debate, the senator calling him **or her** to order shall repeat the words excepted to, and they shall be taken down in writing on the secretary's table, and no senator shall be held to answer, or be subject to the censure of the senate for words spoken in debate, if any other senator has spoken or business has intervened after the words spoken and before exception to them has been taken.

Rule [79.] **80.** No senator shall speak more than once on the same question without leave of the senate, unless he **or she** is the mover, proposer or introducer of the matter pending, in which case he **or she** shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated.

Rule [80.] **81.** In proceedings and debate of the senate, the senators shall not be spoken of or addressed by their individual names.

Rule [81.] **82.** If the question in debate contains several points, any senator may have it divided if it comprehends propositions in substance so distinct that by one being taken away a substantive proposition remains for the decision of the senate. On motion to strike out and insert, it shall not be in order to move for a division of the question, but a rejection of the motion to strike out and insert a different proposition shall not prevent a subsequent motion simply to strike out, nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule [82.] **83.** On the discussion of any business which may, in the opinion of a senator require secrecy, the president shall order the gallery to be cleared, and during the discussion the doors shall remain closed unless otherwise directed by the senate. When nominations are made in writing by the governor of the state to the senate for confirmation, the confirmation shall, without debate, be sent to the senate for confirmation, the confirmation shall, without debate, be referred to the appropriate committee for investigation, and their report shall be made to the senate as soon as practicable.

Rule [83.] **84.** The previous question shall be in this form: "Shall the main question be now put?". It shall only be admitted on written demand of five senators, and sustained by a vote of a majority of the senators elected, and in effect shall be put without debate, and bring the senate to direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments, and then upon the main question. On demand for the previous question, a call of the senate shall be in order, but after a majority of the senators elected have sustained such a motion, no call shall be in order prior to the decision on the main question.

Rule [84.] **85.** On motion of the previous question, no debate shall be allowed and all incidental questions of order arising after the motion is made for the previous question, and pending such motion, shall be decided on appeal or otherwise without debate; if, on a vote for the previous question, the motion is not sustained by a majority of the senators elected, then the further consideration of the subject matter shall be in order.

Rule [85.] **86.** Every motion, except motion to recess or adjourn, shall be reduced to writing if two or more senators request it.

Rule [86.] **87.** When a motion is made it shall be stated by the chair, or being in writing, it shall be handed to and read aloud by the secretary before debate.

Rule [87.] **88.** After a motion is stated by the chair, it is deemed to be in possession of the senate, but may be withdrawn at any time before a decision or amendment, but afterwards only with the consent of the senate.

Rule [88.] **89.** All questions, whether in committee or senate, shall be first stated in the order in which they are moved, but voted upon in reverse order, except privileged questions, which shall be propounded as stated in Rule 73; and in filling up blanks, the largest sum and longest time shall be put first.

Rule [89.] **90.** The yeas and nays shall not be ordered on any question after a vote has been taken thereon and declared by the chair.

Rule [90.] **91.** Every senator who is within the bar of the senate when a question is put shall assume his **or her** seat, and shall vote when his **or her** name is called unless the senate, for special reasons, excuses him **or her**. All motions to excuse a senator from voting shall be made before the senate divides, or before the call for yeas and nays is commenced. In taking the yeas and nays, each senator shall declare distinctly his **or her** vote yea or nay. In the event a senator within the chamber refuses to cast his **or her** vote, then, at the direction of the president, he **or she** shall be removed from the chamber and such action noted in the Journal.

Rule [91.] **92.** When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within three legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills. When a motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question.

Rule [92.] **93.** Any senator voting in the minority on any subject, and protesting against the vote of the senate, may have his **or her** protest entered on the Journal, if the tenor and language of the protest would have been admissible in the discussion of the subject.

Rule [93.] **94.** No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for spouses and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration.

Rule [94.] **95.** No senator shall absent himself **or herself** from the session of the senate unless he **or she** has leave or is sick or unable to attend. A member who is absent from the chamber for attendance at a standing committee meeting, or a conference committee meeting shall be shown as absent with leave (committee). It shall be the responsibility of the member to advise the secretary of the senate of his or her attendance at such committee meeting.

Rule [95.] **96.** 1. [Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device.] Laptop computers may be used by the press at the press table **and by the research staff at the research table** in the Senate Chamber **as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they [don't] **do not** prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.

Rule [96.] **97.** In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.

Rule [97.] **98.** No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, which notice shall be printed in the journal of the senate, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor during the order of business of Resolutions.

Rule [98.] **99.** No senator shall be permitted to interrupt a roll call and no senator shall be allowed to change his **or her** vote after a verification is requested by any senator, or after the final vote is announced. When verification is requested, any senator within the chamber who has not voted shall vote prior to the verification of the roll.

Rule [99.] **100.** A roll call vote of the senate shall be taken upon any question at the request of five senators.

Rule [100.] **101.** All senate committees shall meet on call of the chairman and the regular meetings of the committees shall be held at the times and places designated by the Committee on Administration.

Rule [101.] **102.** Public introduction of guests shall not be allowed in the Senate Chamber during the last ten calendar days of the session. At other times, the introduction of guests shall be the order of business at the beginning of each daily meeting of the Senate and immediately prior to daily adjournment.

[Rule 102. A member of the Senate may accept meals, food, beverage or other gifts from a legislative lobbyist or the lobbyist's principal as defined in section 105.470. (4) (a), RSMo, if any single item accepted has a value of less than fifty dollars, and all items accepted by any member in any calendar year from a lobbyist or lobbyist principal, as defined in section 105.4703. (4) (a), do not exceed a value of one hundred dollars in the aggregate.

This rule shall not apply to:

(1) The participation of members in activities authorized in Section 105.473.3 (2) (c), RSMo, or in caucuses approved by the Senate Ethics Committee, regardless of the aggregate value;

(2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration or participation in seminars or meetings of a state association or receipt of educational materials from a state association;

(3) The acceptance of meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member; or

(4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule.]"'; and

BE IT FURTHER RESOLVED by the Senate of the Ninety-third General Assembly, First Regular Session, that the temporary rules adopted January 5, 2005, as amended on January 6, 2005, and as amended by this resolution hereby be adopted as the permanent rules of the Missouri Senate for the Ninety-third General Assembly.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 166, regarding John A. Karel, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 167, regarding Dr. Hans-Joachim Reimers, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 168, regarding Jill A. McGuire, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 169, regarding Volunteer Lawyers and Accountants for the Arts (VLAA), St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 170, regarding Sheila M. Gassner, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 171, regarding Leonard R. Ratcliff, New Bloomfield, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Administrative Rules:

Senator Luann Ridgeway

Senator John Griesheimer

Senator Chuck Gross

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Capitol Improvements and Leases Oversight

Dear Terry:

Pursuant to Section 21.530 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Capitol Improvements and Leases Oversight:

Senator Gary Nodler

Senator Luann Ridgeway

Senator Timothy Green

I am also reappointing Senator Chuck Gross to the Joint Committee on Capitol Improvements and Leases Oversight.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Corrections

Dear Terry:

Pursuant to Section 21.440 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Corrections:

Senator Kevin Engler

Senator Harry Kennedy

Senator Yvonne Wilson

I am also reappointing Senator Maida Coleman to the Joint Committee on Corrections.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Court Automation

Dear Terry:

Pursuant to Section 476.055 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senators to the Joint Committee on Court Automation:

Senator Chuck Gross

Senator Matt Bartle

Senator Rita Days

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Court Automation Committee

Dear Terry:

Pursuant to Senate Bill 248 of 1997, I am appointing the following senator to the Court Automation Committee:

Senator Charles Wheeler

I am also reappointing Senator David Klindt to the Court Automation Committee.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Economic Development Policy and Planning

Dear Terry:

Pursuant to Section 620.602 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Economic Development Policy and Planning:

Senator John Griesheimer

Senator Larry Gene Taylor

Senator Harry Kennedy

Senator Yvonne Wilson

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Education

Dear Terry:

Pursuant to Section 160.253 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators:

Senator Robert Mayer

Senator Charles Shields

Senator Gary Nodler

Senator Matt Bartle

Senator Maida Coleman

Senator Rita Days

Senator Yvonne Wilson

If you have any questions do not hesitate to contact me.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Gaming and Wagering

Dear Terry:

Pursuant to Section 313.001 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senators to the Joint Committee on Gaming and Wagering:

Senator John Loudon

Senator Victor Callahan

Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Government Accountability

Dear Terry:

Pursuant to Section 21.820 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Government Accountability:

Senator John Cauthorn

Senator Timothy Green

I am also reappointing Senator Victor Callahan and Senator Maida Coleman to the Joint Committee on Government Accountability.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Legislative Research

Dear Terry:

Pursuant to Section 23.010 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Legislative Research:

Senator Delbert Scott

Senator Charles Wheeler

I am also reappointing Senator Michael R. Gibbons, Senator Chuck Gross and Senator Victor Callahan to the Joint Committee on Legislative Research.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Public Employee Retirement

Dear Terry:

Pursuant to Section 21.553 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Public Employee Retirement:

Senator Jason Crowell

Senator Harry Kennedy

Senator Timothy Green

Senator Maida Coleman

I am also reappointing Senator Chuck Gross to the Joint Committee on Public Employee Retirement.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

January 27, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Transportation Oversight

Dear Terry:

Pursuant to Section 21.795 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Transportation Oversight:

Senator Matt Bartle

Senator Bill Stouffer

Senator Larry Gene Taylor

Senator Rita Days

Senator Victor Callahan

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Steve and Pat Russell, and their grandson, R.J. Daniels, Joplin.

Senator Engler introduced to the Senate, Jarad Falk and Gary Romine, Farmington.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY-TUESDAY, FEBRUARY 1, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 238-Gross

SB 239-Scott

SB 262-Griesheimer

SB 263-Griesheimer

SB 264-Stouffer

SB 265-Taylor

SB 266-Gibbons

SB 267-Gibbons

SB 268-Gibbons and Coleman

SB 269-Shields and Callahan

SJR 14-Klindt

RESOLUTIONS

Reported from Committee

SR 150-Shields, with SCS

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY--TUESDAY, FEBRUARY 1, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord is the strength of His people." (Psalm 28:8)

Heavenly Father, You are the strength we need each day. Daily You bring us eternal comfort and a much needed word of hope. Surround us this day with Your guidance and mercy so that we might be about the things You desire for us to accomplish. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 172, regarding Carole Magnus, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 173, regarding the birth of Nathan Tucker Narsh, Ballwin, which was adopted.

Senator Vogel offered Senate Resolution No. 174, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Baker, Holts Summit, which was adopted.

Senator Nodler offered Senate Resolution No. 175, regarding the Centennial Anniversary of the Carthage Public Library, which was adopted.

Senator Champion offered Senate Resolution No. 176, regarding Connie Claybough, Springfield, which was adopted.

Senator Shields moved that **SR 150**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SR 150** was taken up.

Senator Shields moved that **SCS** for **SR 150** be adopted.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 15, Rule 96, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: "**computers may be used in the Senate Chamber as**".

Senator Bartle moved that the above amendment be adopted.

Senator Nodler requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Callahan, Gross and Wilson.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bartle	Clemens	Crowell	Dolan
Engler	Klindt	Loudon	Mayer
Purgason	Ridgeway	Scott	Shields
Vogel	Wheeler--14		
NAYS--Senators			
Bray	Callahan	Cauthorn	Champion
Coleman	Days	Dougherty	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Nodler	Stouffer
Taylor	Wilson--18		
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--2			

Senator Graham offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 10, Rule 77, Line 1, by deleting the word "rise" and inserting in lieu thereof the following "**seek recognition in accordance with Rule 76**"; and

Further amend same rule, same page, line 3, by deleting the word "rising" and inserting in lieu thereof "**seeking recognition**".

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 17, Line 23, by deleting the opening bracket before the word "Rule"; and

Further amend said resolution, page 18, line 23, by deleting the closing bracket after the word "rule."; and

Further amend said resolution, page 17, line 23, by deleting the number "102" and inserting in lieu thereof the number "103".

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bartle assumed the Chair.

Senator Gross offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 15, Rule 96, Line 7, by inserting after the word "**Senate.**" the following: "**No person shall be allowed to use any electronic device in the Senate Chamber.**".

Senator Gross moved that the above amendment be adopted.

Senator Gross requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bray, Nodler, Taylor and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bray	Callahan	Crowell	Days
Graham	Green	Gross	Nodler
Purgason	Taylor	Wheeler	Wilson--12
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Coleman	Dolan	Dougherty	Engler
Gibbons	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Ridgeway
Scott	Shields	Stouffer	Vogel--20
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--2			

Senator Shields moved that **SCS** for **SR 150**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SR 150**, as amended by the **SCS**, was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None
Vacancies--2

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 176**.

Emergency clause adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 176**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 176**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 176, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

Senator Bartle assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 270-By Scott, Taylor, Crowell, Engler, Nodler, Clemens, Loudon, Cauthorn, Griesheimer, Ridgeway, Vogel, Klindt, Mayer, Gibbons, Champion, Koster, Dolan, Purgason, Gross, Bartle, Callahan, Shields and Stouffer.

An Act to repeal sections 30.250, 30.260, 30.270, 30.440, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof sixteen new sections relating to the state treasurer, with penalty provisions.

SB 271-By Scott, Crowell, Nodler, Clemens, Griesheimer, Stouffer, Loudon, Klindt, Gibbons, Shields, Ridgeway, Champion, Dolan, Purgason, Gross, Cauthorn and Vogel.

An Act to repeal sections 307.178, 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 514.060, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225 and 538.230, RSMo, and to enact in lieu thereof twenty-two new sections relating to claims for damages and the payment thereof, with penalty provisions.

SB 272-By Gross.

An Act to repeal sections 137.073 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to gaming boat admission fee revenue.

SB 273-By Taylor.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to cigarette sales, with penalty provisions.

SB 274-By Taylor.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to travel clubs, with penalty provisions.

SB 275-By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to consolidation of state employee retirement systems.

SB 276-By Crowell.

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.410, 104.450, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the state employees retirement system.

SB 277-By Bray, Dougherty, Graham, Wilson, Coleman, Days, Wheeler, Green, Callahan and Kennedy.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

COMMUNICATIONS

Senator Shields submitted the following:

January 31, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Friends of the Fighting 26th District Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Friends of the Fighting 26th District Caucus:

Senator John Griesheimer

Representative Kevin Threlkeld

Representative Brian Nieves

Representative Charles Schlottach

Representative Allen Icet

Representative Mike Sutherland

Representative Jack Jackson

Representative Charles Portwood

Representative Belinda Harris

Representative Harold Selby

Representative Jodi Stefanick

Also,

January 31, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's St. Louis Regional Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

St. Louis Regional Caucus:

Sen. Joan Bray Sen. Maida Coleman Sen. Rita Days

Sen. Jon Dolan Sen. Pat Dougherty Sen. Kevin Engler

Sen. Michael Gibbons Sen. Tim Green Sen John Griesheimer

Sen. Chuck Gross Sen. Harry Kennedy Sen. John Loudon

Rep. Jim Avery Rep. Carl Bearden Rep. Walt Bivens

Rep. John Bowman Rep. Amber Boykins Rep. Richard Byrd

Rep. Ron Casey Rep. Marie Chappelle-Nadel Rep. Michael Corcoran

Rep. Jane Cunningham Rep. Bruce Darrough Rep. Mike Daus

Rep. Cynthia Davis Rep. Tom Dempsey Rep. Margaret Donnelly

Rep. Yaphett El-Amin Rep. Sally Faith Rep. Kathlyn Fares

Rep. Barbara Fraser Rep. Thomas George Rep. Belinda Harris

Rep. Esther Haywood Rep. Wayne Henke Rep. Theodore Hoskins

Rep. Rodney Hubbard Rep. Allen Icet Rep. Jack Jackson

Rep. Connie Johnson Rep. Robin Wright Jones Rep. Fred Kratky

Rep. Jim Lembke Rep. Albert Liese Rep. Scott Muschany

Rep. Brian Nieves Rep. Jeannette Mott Oxford Rep. Sam Page

Rep. Sherman Parker Rep. Charles Portwood Rep. Jeff Roorda

Rep. Scott Rupp Rep. Charles Schlottach Rep. Vicki Schneider

Rep. Sue Schoemehl Rep. Joe Smith Rep. Michael Spreng

Rep. Neal St. Onge Rep. Jodi Stefanick Rep. Rachel Storch

Rep. Mike Sutherland Rep. Kevin Threlkeld Rep. Thomas Villa

Rep. Michael Vogt Rep. Wes Wagner Rep. Gina Walsh

Rep. Juanita Head Walton Rep. Terry Witte Rep. Patricia Yaeger

Rep. Clint Zweifel

INTRODUCTIONS OF GUESTS

On behalf of Senators Green, Gibbons, Taylor, Gross and himself, Senator Kennedy introduced to the Senate, Reverend Joseph S. Corel, Loose Creek; Dr. Richard Crawford, Mt. Vernon; Dr. Al Kertz, Glendale; Jeanne Stoll, R.N., Florissant; and Kevin Kast, St. Charles.

Senator Purgason introduced to the Senate, the Wade Rabun Family, Homeschoolers from Hartshorn, and Laney and Stevie were made honorary pages.

Senator Stouffer introduced to the Senate, Don Reed and Bob Vaughan, Salisbury; and David McCartney, Brunswick.

Senator Mayer introduced to the Senate, Adam Kingree, Bloomfield.

Senator Green introduced to the Senate, Joseph and Teresa Carr and their children, Devin, Jenna and Garrett; and Austin Gann, Homeschoolers from Florissant; and Devin and Austin were made honorary pages.

Senator Klindt introduced to the Senate, representatives of Great Northwest Day from Andrew, Atchison, Buchanan, Caldwell, Carroll, DeKalb, Holt, Livingston, Nodaway and Worth Counties.

Senator Shields introduced to the Senate, former State Representatives Norwood Creason, Braymer; and Dan Hegeman, Cosby.

Senator Griesheimer introduced to the Senate, former State Representative Nolan G. McNeill and his wife, Barbara, Cassville.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY-WEDNESDAY, FEBRUARY 2, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 238-Gross

SB 239-Scott

SB 262-Griesheimer

SB 263-Griesheimer

SB 264-Stouffer

SB 265-Taylor

SB 266-Gibbons

SB 267-Gibbons

SB 268-Gibbons and Coleman

SB 269-Shields and Callahan

SB 270-Scott, et al

SB 271-Scott, et al

SB 272-Gross

SB 273-Taylor

SB 274-Taylor

SB 275-Crowell

SB 276-Crowell

SB 277-Bray, et al

SJR 14-Klindt

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY--WEDNESDAY, FEBRUARY 2, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Get wisdom; get insight; do not forget, nor turn away from the words of my mouth." (Proverbs 4:5)

Almighty God, You provide us opportunities to learn from You, gaining wisdom from our everyday experiences with You. And Your Holy Spirit teaches us how we might apply such wisdom to our lives so we might be faithful in the course of our day; in what is laid before us and walk an upright path through this world. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 177, regarding Mitchell Everett Wilfer, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 178, regarding Ian Campbell, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 179, regarding Brad Peetz, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 180, regarding Bradley Alec "Brad" Ward, Lake Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 181, regarding the death of Suzanne H. Capelton, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 182, regarding Mr. and Mrs. Anthony Venable, Sedalia, which was adopted.

Senator Stouffer offered Senate Resolution No. 183, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tom Harris, Gilliam, which was adopted.

Senator Stouffer offered Senate Resolution No. 184, regarding Mr. and Mrs. Eric Ellensohn, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 278-By Nodler, Scott and Gross.

An Act to repeal sections 327.011, 327.111, 327.201, 327.291, 327.441, 327.633 and 621.045, RSMo, and to enact in lieu thereof six new sections relating to architects, professional engineers, and land surveyors, with a penalty provision.

SB 279-By Taylor.

An Act to repeal sections 400.3-103, 400.3-104, 400.3-416, 400.3-417, 400.4-207, and 400.4-208, RSMo, and to enact in lieu thereof six new sections relating to demand drafts under the uniform commercial code.

SB 280-By Taylor.

An Act to repeal section 329.050, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for cosmetologists.

SB 281-By Klindt, Clemens and Cauthorn.

An Act to repeal section 307.400, RSMo, and to enact in lieu thereof one new section relating to applicability of certain regulations to vehicles designated for farm use, with penalty provisions.

SB 282-By Green.

An Act to repeal sections 99.805 and 99.810, RSMo, and section 99.845 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof eight new sections relating to tax increment financing, with an effective date.

SB 283-By Champion.

An Act to repeal section 571.107, RSMo, and to enact in lieu thereof one new section relating to concealed firearms.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 31, 2005

REORGANIZATION PLAN NO. 1

2005

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2005, by Executive Order 05-07, providing for the consolidation of the Office of Information Technology and the Division of Information Services within the Office of Administration.

Respectfully submitted,

MATT BLUNT

GOVERNOR

EXECUTIVE ORDER

05-07

WHEREAS, the State of Missouri recognizes the critical importance of technology to its government, industry, and economy; and

WHEREAS, the Office of Information Technology was established by Executive Order 03-26 to develop strategies and policies to improve existing information technology investments and create a plan to establish an infrastructure which supports innovative government management solutions; and

WHEREAS, Executive Order 03-26 provided that for administrative purposes, the Office of Information Technology shall be located within the Office of Administration; and

WHEREAS, the Office of Administration's Division of Information Services was created pursuant to Chapter 37, RSMo, and is the central point for coordinating the data processing policies of the executive branch, promoting economy and efficiency in the use of data processing and telecommunications for the transaction of State business; and

WHEREAS, it appears to be in the best interest of the State of Missouri to consolidate the Office of Information Technology and the Division of Information Services to avoid duplication of activities and administrative costs, thereby achieving economy and efficiency across State government; and

WHEREAS, it is appropriate for this consolidated office to be assigned to the Office of Administration.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby assign the Office of Information Technology to the Office of Administration's Division of Information Services in its entirety with all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Office of Information Technology. Further, the head of the consolidated office shall have the title of Chief Information Officer and Director of the Division of Information Services.

IN WITNESS WHEREOF, I have hereto set my (Seal) hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26th day of January, 2005.

MATT BLUNT

GOVERNOR

ATTEST:

ROBIN CARNAHAN

SECRETARY OF STATE

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of Transportation Address from Mr. Pete Rahn, Director of the Missouri Department of Transportation, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			

On roll call the following Representatives were present:

Present--Representatives

Aull	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Bivins	Black
Bland	Bowman	Bringer	Brooks
Brown 30	Brown 50	Bruns	Burnett
Byrd	Chappelle-Nadal	Casey	Chinn
Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Darrough	Daus
Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fares	Fisher
Flook	Franz	Fraser	George
Goodman	Guest	Harris 110	Harris 23
Haywood	Henke	Hobbs	Hoskins

Hubbard	Hughes	Hunter	Ice
Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager
Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte
Oxford	Page	Parker	Parson
Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Roorda
Rucker	Ruestman	Rupp	Salva
Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	Stefanick	Stevenson
St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa
Vogt	Wagner	Wallace	Walsh
Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright-Jones	Wright 137	Wright 159
Yaeger	Yates	Young	Zweifel
Mr. Speaker--157			
	Absent and Absent with Leave--Representatives		
Avery	Bean	Boykins	Curls
Walton--5			
	Vacancies--1		

The Director of Transportation, Pete Rahn, assumed the dais and delivered the State of Transportation Address to the Joint Assembly:

Pete Rahn

State of Transportation Address

Jefferson City, Missouri

February 2, 2005

Lt. Governor,

Mr. Speaker,

Mr. President Pro Tem,

Distinguished State Officials,

Members of the 93rd General Assembly, Members of the Missouri Highways and Transportation Commission, and Citizens of Missouri:

Transportation is vital to the great state of Missouri. I'm sure you're impressed that I have figured that out in just four and a half short months.

Transportation allows the lifeblood of commerce to flow to every extremity of America and the world.

- It accounts for 11 percent of our nation's Gross **Domestic** Product - second only to health care.
- U.S. households spend up to 19 percent of their income on transportation - second only to housing.
- Nine cents of every dollar spent by consumers on manufactured goods is for transportation.
- 14 cents of every dollar spent by consumers on agricultural products is for transportation.

Unfortunately, the factors that take a toll on this essential system keep increasing. And it's important to note, our highways and even the Interstates were never designed to accommodate the types and volumes of traffic they encounter today.

- Large trucks on our highways increased by 132 percent between 1990 and 2000.

- The growth of "just-in-time inventory" with its dependence on rapid shipping will cause freight tonnage on our highways to increase by 70 percent in the next 15 years.
- International trade, which obviously depends on transportation infrastructure, grew from 900 billion dollars in 1990 to 2.2 trillion dollars in 2000.
- The average American spends 443 hours annually behind the wheel of an automobile.

Nationally, these things have stretched our transportation system to its limit.

- 46 percent of our National Highway System and 90 percent of our urban interstates will be beyond capacity by 2020.
- Congestion in our urban areas accounts for 4.5 billion hours of delay and 6.8 billion gallons of wasted fuel every year.

So, what about Missouri?

- We have the nation's third worst pavement conditions.
- Of Missouri's major highways, 54 percent of the pavement is in fair to poor condition.
- We are fourth in the nation in the number of deficient bridges on our system.
- Additionally, I-70 is in a state of near crisis. I-70, now almost 50 years old, was designed for a 20-year lifespan.
- This problem promises to get worse. Traffic on I-70 is expected to double by the year 2030.
- Meanwhile, I-44 is an I-70 just waiting to happen. We observe many of the same problems on this vital interstate as on I-70.

These troubling conditions are easy to understand when you consider that:

- We have the seventh largest highway system in the country.
- In fact, you could combine all of the state highways in Iowa, Nebraska and Kansas and it still would not equal the size of Missouri's system.
- Yet we are 42nd in the amount of money we spend on that system per mile.
- Of the eight states surrounding Missouri, only Arkansas spends less per mile of highway than we do.
- Our fuel tax is tied for the 10th lowest compared to all other states.
- In fact, our fuel tax of 17 cents -adjusted for inflation - is worth just over 8 cents today in purchasing power.
- For example, the first fuel tax from 1924 of 2 cents would have to be 21 cents today to buy as much.
- At the same time, we rank seventh in the number of bridges on our state system -- more than 10,000.
- And we are first in the nation when it comes to major river bridges. In fact, you could combine about 25 other states and they still wouldn't have as many as us.
- Additionally, Missouri is 15th in the number of vehicle miles traveled with more than 68 billion per year.

We certainly face a challenge, but I know that together we can meet it. The importance of transportation to Missouri is too great not to act. If transportation allows the lifeblood of commerce to flow, then Missouri, at the center of the world's largest economy, should be the heart pumping that blood to every part of the world resulting in economic prosperity right here at home.

Fellow Missourians, our state transportation system is deficient, but your state transportation department is committed to fixing it. We are energized by an optimistic vision for the future. Your MoDOT today is a vibrant agency that cares deeply about the people we serve. We have challenged and empowered every employee to continuously improve the level of service each provides to every Missourian.

I can tell you, the most effective ideas for improving this department will come from the collaboration of our entire transportation team. I want the people closest to the problems to be the ones to solve them because they want to, not because they were told to. Every crew worker who wields a shovel, every engineer who picks up a set of plans and every clerk who works at a computer should believe they "own" their job.

Authority to make necessary changes and improvements will not be concentrated here in Jefferson City. It will be dispersed to every corner of this great state. This approach is commonly referred to as decentralization. I call it common sense.

With this empowerment will come a new kind of accountability. A new kind of credibility. A new kind of state agency.

We will be a model for what today's state government should be - efficient, streamlined, forward-thinking, results-driven and customer-oriented. I have heard many of you say that you have seen a lot of improvement in MoDOT over the past few years. To that we say, "Thank you, but you ain't seen nothin' yet."

We will be a shining star in your state government galaxy.

Now, I know what you're thinking, "this is the show-me state. You're going to have to show us." Well, we intend to. We will be a transparent organization. You will see what we do well. You will see what we don't do so well and you will see what we do to get better.

MoDOT will be an open house. Our walls will be solid, but you will be able to see everything we do. Information about how we spend your money, our goals for improving transportation and our progress toward these goals will be distributed to statewide officials, lawmakers, the media and anyone else who wants it.

Plus, this information will be made available on our Internet site for the whole worldwide web to see. By conducting business in full view of the taxpayers of this state, we will encourage all Missourians to hold us accountable and to propose transportation solutions.

Our transparent house, however, will not be fragile. It will not be built on the shifting sands of promises we can't deliver or commitments we can't keep. It will be built on the solid rock of sound business practices, wise use of taxpayer dollars and extensive public input. MoDOT's house will be strong!

And, since you don't build a house starting with the top floor, the foundation of our house will be the results we deliver and the performance measures we track, which will produce an unparalleled level of accountability.

Last year from this dais, many of you heard that a new day had dawned at MoDOT. This year I reaffirm that statement. Morning has broken. The sun is rising on our transportation horizon. And thousands of rays of sunlight in the form of MoDOT employees and our citizen-partners are illuminating the morning sky with a message of cooperation and progress.

Ladies and gentleman, can you tell that I am thrilled to be your director of transportation and to have the opportunity to address you today? I am thrilled to call myself a Missourian. I am thrilled to work with such dedicated public servants. And I am thrilled at the possibilities of our transportation future.

And, it really is an exciting time for transportation in Missouri. On November 2, 2004, four out of five voters in this state said they wanted their roads fixed and they trusted MoDOT to do it.

Since then we've worked extremely hard to identify needs and get projects under contract. Today, we're saying to Missourians that MoDOT is ready to deliver, and the improvements will be noticeable and quick.

We come to you with a shared vision of smoother, safer roads that will be built sooner. Missourians have sent a clear message that they want smoother, safer highways. Today, we send a clear message that smoother, safer highways are exactly what they will get.

Therefore, we have embarked on an ambitious initiative for our transportation future -- ambitious to the tune of more than 1.7 billion dollars in vital improvements.

360 million dollars will fund 177 projects in the Smooth Roads Initiative - the first element of our Smoother, Safer, Sooner plan. This initiative will provide 2,200 miles of better pavement for a smoother drive, as well as a brighter, more visible roadway to help on stormy nights, and safer shoulders with rumble strips, all by the end of 2007. Today, three quarters of those miles are in fair to poor condition.

The highway miles included in the Smooth Roads Initiative account for 60 percent of all traffic on the state system. These roads include interstates, major highways in the metropolitan areas and highway corridors connecting smaller towns throughout our state. 86 percent of Missouri's population lives within 10 miles of these roads.

Amendment 3 will also allow for bond financing to accelerate more than 430 million dollars in high-priority construction projects. These 55 projects, which comprise the second element of the Smoother, Safer, Sooner program, were already scheduled to begin in the next five years, but work can now begin much sooner - several years sooner, in many cases. Speeding up these projects will have an enormously positive impact on the safety and economic well being of our citizens.

Examples of major projects to be built sooner include:

- Rehabilitation of the Route 67 Missouri River Bridge crossing in St. Louis
- Major congestion relief work on the Triangle in Kansas City
- Completion of Route 61 four laning in northeast Missouri
- And completion of the four-lane Route 71 corridor south of Joplin

The third element of Amendment 3 will be determined later this spring after working with our planning partners statewide, when 1.3 billion dollars in additional bond-financed projects will be announced. These will be new projects not currently in our five-year plan. Our goal is to invest these funds in projects that will have a substantial impact on our overall transportation system.

And I want to stress--every dollar of Amendment 3 revenues will go to our roads. No new buildings. No added personnel.

Our plans do not center solely on Amendment 3 funding, however.

We support efforts to allocate more money for other transportation modes such as aviation, rail, waterways and public transit. Legislation is expected to be introduced to direct the sales taxes that highway construction contractors are currently paying, and which amount to a mini-diversion, toward multi-modal services.

The multi-modal plan would allow us to improve our airports that are key to economic development throughout this state. It would increase access to Missouri's railroads and river barges. And it would allow for more public transportation options in both our large cities and small towns by building facilities and helping to match Federal dollars for capital equipment purchases.

Our plan is a total transportation plan. It is ambitious, but we are ambitious. We will confront the realities of the present and anticipate the challenges of the future. We will seek to unite based on the priorities of where we live, which is in Missouri. We will listen to all Missourians and we will seek to do what is best for all of Missouri.

MoDOT is excited about the opportunity to better serve all Missourians. I see excitement within MoDOT that I've been told has not existed for many years. We are excited to be able to do the things we like to do - fix our roads, help people and, ultimately, save lives.

We like to build roads. We like to delight our customers with smooth roadways, four-lane highways, brighter striping, better signs, wider shoulders and lots of other improvements.

Amendment 3 will help, but it will not solve all our problems. In fact, the money from Amendment 3 will only move us from 44th lowest nationally in revenue per mile to 42nd lowest. That is not a big jump. We will, however, do more with that two spot increase than you would have ever thought.

You will see the results. You will feel the results. And you will hear about the results from your constituents who will be confident that their tax dollars are going toward their intended purpose - better highways.

We, at MoDOT, also like to help people. Martin Luther King, Jr., often told the story of two travelers journeying down a dangerous road. Seeing a man needing help, the first traveler said, "What will happen to me if I stop and help the man in need?" The second traveler said, "What will happen to the man in need if I do not stop to help?"

Many MoDOT employees have decided to stop and help, going above and beyond the call of duty to help their fellow Missourians. · When an MFA propane truck overturned on Route O in Johnson County, three of your MoDOT Good Samaritans, Jesse Dunkle, Brian Terrell and Loren Dickmeier, pulled the driver from his burning truck, called 911 and flagged traffic around the crash.

· When MoDOT employee Larry Boesch found a dog that had been hit by a car alongside I-435 near Smithville, he took off the dog's collar, called its veterinarian and gave a family with two young children the opportunity to say "good-bye" to their beloved friend named "Rocket".

· When MoDOT Waterways Program Manager Sherrie Martin found out that the executive director of the New Madrid Port Authority had to take time off because of serious health issues, she traveled to southeast Missouri and virtually assumed her customer's job as executive director of the Port Authority ensuring that vital projects were completed.

· And when the President of the United States called upon the men and women of the Missouri National Guard to aid in bringing freedom to Iraq, MoDOT employees answered the call. Matt Bacon used his MoDOT training to help rebuild roads and infrastructure in the war torn country. Meanwhile, Bruce Pettus utilized his experience with St. Louis Motorist Assist and incident management to invent a rear armor guard for Humvees that is now standard on all such vehicles sent to Iraq.

Matt, Bruce and all the people I mentioned who cared enough to help are here today. I ask them to stand and receive the recognition they deserve.

MoDOT wants to "stop and help" even more along the path. Because of this, it is vital we seek new ways to save more lives. Each year we lose 1,200 mothers, fathers, sons and daughters on Missouri's roads. Something must be done.

One thousand two hundred people killed on our highways is the equivalent of the entire population of communities like Mound City or Lincoln, or New Franklin, or Pasadena Hills or Puxico. Additionally, 69,000 people are injured in traffic crashes every year. That is roughly equivalent to the populations of Cass, or Cape Girardeau or Cole Counties. Something must be done.

Far too many of those who die on our highways are our young people. In 2004, 132 drivers under the age of 21 were killed on Missouri's roadways. These youths accounted for nearly 30 percent of all crashes. Their average age was 17.9 years old. Clearly. Urgently. Something must be done.

Mother's Against Drunk Driving, Triple A, SAFE KIDS St. Louis, the Missouri Association of Insurance Agents, the safety Council of the Ozarks and numerous other organizations know exactly what that something is. On their behalf, on behalf of all those killed or injured on our roadways and on behalf of too many children whose parents never come home again-- we plead to you to enact a primary seat belt law this year. We haven't a moment to lose because we have already lost too many Missourians.

We have the opportunity to save at least 90 lives every year on the highways of Missouri. A law that allows law enforcement officers to simply enforce our existing seat belt law could do exactly that. I realize that many believe this is an issue of individual choice. I would suggest that is not the issue at all. State law already says that everyone must wear a seatbelt. The question now is "Will we allow our law enforcement officers to enforce the law?"

It makes sense to enact a primary safety belt law. It is the most cost effective way to save lives that Missouri has available. It won't cost a dime more in taxpayer money. However, the cost of inaction is far too high. Let's start saving those lives this year.

In his Inaugural Address, Governor Matt Blunt said, "...we will be bold. We will be willing to experiment. We will not fear failure. We will bear setbacks with resolve and press forward with determined innovation. We will attack problems with the deliberation that accompanies this great responsibility and with the energy necessary to build a better Missouri."

MoDOT is up to Governor Blunt's challenge. We will be bold. We will be willing to experiment. We will not fear failure. We will be determined. We will attack problems and we will be energetic. We are committed to going from being a good organization to being a great organization.

We cannot, however, make our transportation system great without all of you. Elected officials, private citizens and anyone else who cares about building a better Missouri will have a seat at the transportation table. We will seek your opinions like never before because your MoDOT knows that we don't have all the answers. We also know that many of the best ideas come from the people we serve.

I was once told of an exchange between Nelson Mandela when he was President of South Africa and the international press corps at a news conference in Johannesburg. A young reporter asked Mandela how he could justify having spent 27 years in prison in support of an idea no one thought could become a reality. Mandela smiled and said his mother had told him that there were three kinds of people in the world:

- The first left nothing behind, not even their name, when they departed
- The second left only the bad things they had done
- And the third left the world a little better off.

Nelson Mandela then asked, "How could I let my mother down?"

Well, I don't think any of us want to let our mothers down!

We are committed to achieving goals that many think will never become reality, but together we can leave our part of the world...a little better off.

As famous Missourian Walt Disney said, "It's kinda fun to do the impossible."

Alone, MoDOT cannot make our transportation system great, but, together, we can.

Together, we can save lives on our highways.

Together, we can make our roadways better.

Together, we can encourage economic prosperity.

Together, we can provide greater transportation services in every part of this state.

Together, we can be great.

Thank you. May God bless America, may God bless Missouri and may God bless your travels.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Kinder.

RESOLUTIONS

Senators Wilson, Coleman and Days offered Senate Resolution No. 185, regarding Dr. David B. Henson, Jefferson City, which was adopted.

Senator Green offered Senate Resolution No. 186, regarding Robyn Gray, St. Charles, which was adopted.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 176 entitled:

AN ACT

To repeal section 57.080, RSMo, and to enact in lieu thereof two new sections relating to political subdivision elections, with an emergency clause and an expiration date.

On February 1, 2005, I approved said Senate Bill No. 176. Respectfully submitted,

MATT BLUNT

Governor

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Samara Moore, Shirley Erickson, Maggie Ogden and Marty Henson, St. Louis.

Senator Stouffer introduced to the Senate, Justin Lueck, Alma.

Senator Champion introduced to the Senate, Pat Winn, Manchester.

Senator Wilson introduced to the Senate, Maria Lewis, Nelson Randolph, Chhan Cnhunn, Shanae Carlock, Miesha Bell, Robert Johnson, Danyae Jones, Allyson Washington, Deen McKinney, and Jasman Barr, tenth grade students at Manual Career and Technical Center, Kansas City.

Senator Ridgeway introduced to the Senate, Al Babich, Gladstone; Pat Peluso, Liberty; and Ryan Seabaugh, Smithville.

Senator Gross introduced to the Senate, Tara Loyd, Brittany Shockley and Larry Anders, St. Charles; and Julie Lyman, Jefferson City.

On behalf of Senators Scott, Ridgeway, Purgason, Bartle and himself, Senator Shields introduced to the Senate, Dee House, Jan House, Kelsey Mize, Diane Soetaert, Aaron Henry, Teresa Poulette, Jay Hicks, Cathy Dailey, Jillian Dent, Jan Troester, and Leslie Kerns, representatives of Future Business Leaders of America.

Senator Dolan introduced to the Senate, Denise Saey and Beverly Sherman, Samantha Brauch, and Melissa Gestring, students from Ft. Zumwalt South School, St. Charles.

Senator Cauthorn introduced to the Senate, Lindsey Jerichow and Duane Bennett, Mexico.

Senator Mayer introduced to the Senate, Bill Hovis, Wayne County.

Senator Bray introduced to the Senate, the Physician of the Day, Elizabeth Cavanagh, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY-THURSDAY, FEBRUARY 3, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 238-Gross

SB 239-Scott

SB 262-Griesheimer

SB 263-Griesheimer

SB 264-Stouffer

SB 265-Taylor

SB 266-Gibbons

SB 267-Gibbons

SB 268-Gibbons and Coleman

SB 269-Shields and Callahan

SB 270-Scott, et al

SB 271-Scott, et al

SB 272-Gross

SB 273-Taylor

SB 274-Taylor

SB 275-Crowell

SB 276-Crowell

SB 277-Bray, et al

SB 278-Nodler, et al

SB 279-Taylor

SB 280-Taylor

SB 281-Klindt, et al

SB 282-Green

SB 283-Champion

SJR 14-Klindt

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY--THURSDAY, FEBRUARY 3, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, in Your word You teach us how to gain strength through spiritual growth. So we seek Your help to become more mature in our faith through the experiences we encounter here and at home and ask that we may benefit and grow from each encounter. And Lord, we ask that You watch over us as we travel back to loved ones this day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson--31	

Absent with leave--Senator Wheeler--1

Vacancies--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 187, regarding Nathaniel Ryan Sudheimer, Harrisonville, which was adopted.

Senator Koster offered Senate Resolution No. 188, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vincent Zumwalt, Cleveland, which was adopted.

Senator Koster offered Senate Resolution No. 189, regarding the birth of Emily Katherine Koster, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 190, regarding the birth of Kermie Gail Anderson, Hannibal, which was adopted.

Senator Stouffer offered Senate Resolution No. 191, regarding the birth of Sydney Marie Reed-Schall, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 192, regarding the birth of Braeden James Thomas, Lee's Summit, which was adopted.

Senator Gross offered Senate Resolution No. 193, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Schilligo, Saint Peters, which was adopted.

Senator Gross offered Senate Resolution No. 194, regarding The Newberry Group, Incorporated, Saint Charles, which was adopted.

Senator Purgason offered Senate Resolution No. 195, regarding Jeffrey L. Dryden, D.O., FACOI, West Plains, which was adopted.

Senator Crowell offered Senate Resolution No. 196, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lenzel Lukefahr, Leopold, which was adopted.

Senator Scott offered Senate Resolution No. 197, regarding the One Hundredth Birthday of Alva Watkins, Burns, which was adopted.

Senator Scott offered Senate Resolution No. 198, regarding the One Hundred Seventh Birthday of Edith Roberts, Hermitage, which was adopted.

Senator Coleman offered Senate Resolution No. 199, regarding Don King, which was adopted.

On behalf of Senator Wheeler, Senator Coleman offered Senate Resolution No. 200, regarding OCCU-TEC, Incorporated, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 284-By Cauthorn and Clemens.

An Act to amend chapter 348, RSMo, by adding thereto three new sections relating to the Dairy Herd Development Revolving Fund.

SB 285-By Clemens and Klindt.

An Act to repeal section 168.515, RSMo, and to enact in lieu thereof one new section relating to the career ladder program.

SB 286-By Nodler.

An Act to repeal sections 173.005 and 173.616, RSMo, and to enact in lieu thereof two new sections relating to out-of-state public institutions of higher education.

SB 287-By Shields.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to education.

SB 288-By Klindt.

An Act to authorize the conveyance of property owned by the state in Nodaway County to the Delta Nu Teke Association.

SB 289-By Engler.

An Act to repeal section 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand juries.

SB 290-By Engler.

An Act to repeal sections 301.147, 307.350, 307.353, and 307.355, RSMo, and to enact in lieu thereof four new sections relating to motor vehicle registrations.

SB 291-By Mayer, Cauthorn, Clemens, Ridgeway, Scott, Griesheimer, Klindt, Vogel, Purgason, Crowell and Shields.

An Act to repeal sections 290.210, 290.262, 290.290, 290.305, and 290.340, RSMo, and to enact in lieu thereof eleven new sections relating to public contracts.

SB 292-By Bray, Days, Wheeler, Coleman and Wilson.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 293-By Bray, Days, Wheeler, Wilson, Graham and Coleman.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 294-By Bray.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of freedom=choice special license plates.

SB 295-By Dolan.

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund, with a termination date for a certain section.

SB 296-By Coleman.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to eligibility for in-state tuition at Missouri institutions of higher education.

SB 297-By Coleman.

An Act to repeal section 168.281, RSMo, and to enact in lieu thereof one new section relating to non-certified employees of the metropolitan school district.

SB 298-By Coleman.

An Act to repeal sections 168.211 and 168.261, RSMo, and to enact in lieu thereof two new sections relating to the powers of the St. Louis public school district superintendent.

SB 299-By Coleman.

An Act to repeal section 168.221, RSMo, and to enact in lieu thereof one new section relating to metropolitan school

district principals.

SB 300-By Coleman.

An Act to repeal sections 441.060 and 535.300, RSMo, and to enact in lieu thereof twenty-eight new sections relating to landlords and tenants.

SB 301-By Coleman, Kennedy and Dougherty.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers, with an emergency clause.

SB 302-By Coleman.

An Act to repeal section 162.601, RSMo, and to enact in lieu thereof one new section relating to school board elections.

SB 303-By Dougherty, Days, Wheeler, Coleman, Wilson and Bray.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SJR 15-By Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

CONCURRENT RESOLUTIONS

Senator Crowell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, more than one million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, each year 40,000 babies are born with congenital heart defects in the United States; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, despite these conditions, newborns and young athletes are not routinely screened for congenital heart defects; and

WHEREAS, Congenital Heart Defect Awareness Day provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Day will also provide the opportunity to share experience and information with the public and the media in order to raise public awareness about congenital heart defects:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Senate, Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize February 14, 2005, as Congenital Heart Defect Awareness Day in Missouri.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John M. Carnahan, III; David G. Wasinger and John Douglas Russell, as members of the University of Missouri Board of Curators;

Also,

Albert M. Spradling, III, as a member of the Southeast Missouri State University Board of Regents;

Also,

John P. Howerton, Jeffrey D. Case and Gordon Spilker, as members of the Missouri Agricultural and Small Business Development Authority;

Also,

J. Beto Lopez, as a member of the Jackson County Sports Complex Authority;

Also,

Roger L. Pryor, to the St. Charles County Convention and Sports Facilities Authority;

Also,

Michael L. Craighead, M.D., as a member of the State Board of Registration for the Healing Arts;

Also,

Carson Ross, as a member of the Missouri Veterans' Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which were referred **SB 1** and **SB 130**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linward Appling, 302 Ridgeway Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Linward Appling, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cynthia Webb Bald, 105 Eagles Landing Parkway, Cameron, Clinton County, Missouri 64429, as a member of the State Board of Cosmetology, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, Cynthia Webb Bald, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

M. Jenise Comer, 7416 Richmond Avenue, Kansas City, Jackson County, Missouri 64133, as a member of the State Committee for Social Workers, for a term ending October 23, 2007, and until her successor is duly appointed and qualified; vice, M. Jenise Comer, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linda R. Curbow, 714 Parkmor Heights, Nixa, Christian County, Missouri 65714, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2008, and until her successor is duly appointed and qualified; vice, Linda R. Curbow, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carol Ann Freeman, 6273 Highway MM, Cabool, Texas County, Missouri 65689, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, Carol Ann Freeman, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Margaret Freeman, 831 Hart Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Margaret Freeman, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher G. Goodson, 1515 Missouri Avenue, Saint Louis City, Missouri 64104, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2009, and until his successor is duly appointed and qualified; vice, Susan Rollins, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James M. Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, James M. Harig, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christel H. Johnson, 7420 Washington, Kansas City, Jackson County, Missouri 64114, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 7, 2007, and until her successor is duly appointed and qualified; vice, Christel H. Johnson, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard D. LaBore, 1421 Woodhue Drive, Saint Louis, Saint Louis County, Missouri 63126, as a member of the Bi-State Development Agency of the Missouri - Illinois Metropolitan District, for a term ending November 10, 2008, and until his successor is duly appointed and qualified; vice, Richard D. LaBore, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald D. Landon, 2065 South Cedarbrook, Springfield, Greene County, Missouri 65804, as a member of the Seismic Safety Commission, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Donald D. Landon, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Arlene V. McClendon, 6231 Hancock Street, Berkeley, Saint Louis County, Missouri 63134, as a member of the State Board of Barber Examiners, for a term ending April 25, 2008, and until her successor is duly appointed and qualified; vice, Arlene V. McClendon, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Teri A. Murray, R.N., Ph.D., 948 Sprinters Row Drive, Florissant, Saint Louis County, Missouri 63034, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2008, and until her successor is duly appointed and qualified; vice, Teri A. Murray, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard P. Phillips, Republican, 113 Dockside Drive, Lake Tapawingo, Jackson County, Missouri 64014, as a member of the Central Missouri State University Board of Governors, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, John J. Dralus, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charity F. Shelton, 1419 McVey Street, Mount Vernon, Lawrence County, Missouri 65712, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2006, and until her successor is duly appointed and qualified; vice, Charity F. Shelton, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Hillred Kay Thurston, R.N., 1010 Meadow Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2008, and until her successor is duly appointed and qualified; vice, Hillred Kay Thurston, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Trish E. Vincent, 1744 Brookside Boulevard, Jefferson City, Cole County, Missouri 65101, as a member of the Multi-State Tax Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Carol Russell Fischer.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 238--Ways and Means.

SB 239--Ways and Means.

SB 262--Economic Development, Tourism and Local Government.

SB 263--Financial and Governmental Organi-zations and Elections.

SB 264--Ways and Means.

SB 265--Economic Development, Tourism and Local Government.

SB 266--Education.

SB 267--Ways and Means.

SB 268--Ways and Means.

SB 269--Ways and Means.

SB 270--Financial and Governmental Organi-zations and Elections.

SB 271--Judiciary and Civil and Criminal Jurisprudence.

SB 272--Ways and Means.

SB 273--Economic Development, Tourism and Local Government.

SB 274--Small Business, Insurance and Industrial Relations.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 2, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Missouri State Employees Retirement Board of Trustees MOSERS

Dear Terry:

Pursuant to Section 104.450 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Missouri State Employees Retirement System Board of Trustees MOSERS:

Senator Jason Crowell

Senator Timothy Green

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 3, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Missouri Investment Trust Board of Trustees

Dear Terry:

Pursuant to Section 30.953 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Joint Committee on Missouri Investment Trust Board of Trustees:

Senator Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 2, 2005

The Honorable Mike Gibbons

President Pro Tem

Missouri Senate

Capitol Building, Room 326

Jefferson City, Missouri 65101

Dear Senator Gibbons,

I respectfully submit my resignation from the Joint Committee on Legislative Research.

Sincerely,

/s/ Joan Bray

Joan Bray

Also,

February 3, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Legislative Research

Dear Terry:

Pursuant to Section 23.010 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Joint Committee on Legislative Research:

Senator Timothy Green

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Dolan introduced to the Senate, Presiding Commissioner Sean O'Brian and Associate Commissioner Jim Mayes, Lincoln County.

Senator Nodler introduced to the Senate, Presiding Commissioner Rex Wilkinson, Associate Commissioner former State Representative Bill Marshall and Associate Commissioner Eugene Stamp, Dade County.

Senator Stouffer introduced to the Senate, Babs Wolfender, Lawson.

Senator Shields introduced to the Senate, County Commissioners Tom Pryor and Jim Plunkett, Platte County.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 7, 2005.

SENATE CALENDAR

EIGHTEENTH DAY-MONDAY, FEBRUARY 7, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 275-Crowell

SB 276-Crowell

SB 277-Bray, et al

SB 278-Nodler, et al

SB 279-Taylor

SB 280-Taylor

SB 281-Klindt, et al

SB 282-Green

SB 283-Champion

SB 284-Cauthorn and Clemens

SB 285-Clemens and Klindt

SB 286-Nodler

SB 287-Shields

SB 288-Klindt

SB 289-Engler

SB 290-Engler

SB 291-Mayer, et al

SB 292-Bray, et al

SB 293-Bray, et al

SB 294-Bray

SB 295-Dolan

SB 296-Coleman

SB 297-Coleman

SB 298-Coleman

SB 299-Coleman

SB 300-Coleman

SB 301-Coleman, et al

SB 302-Coleman

SB 303-Dougherty, et al

SJR 14-Klindt

SJR 15-Coleman

SENATE BILLS FOR PERFECTION

SBs 1 & 130-Loudon, et al, with SCS

RESOLUTIONS

To be Referred

SCR 3-Crowell

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY--MONDAY, FEBRUARY 7, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Be strong and bold; have no fear or dread of them, because it is the Lord your God who goes with you; he will not fail you or forsake you."
(Deuteronomy 31:6)

Ever present God, we come before You not fully knowing what the week holds for us but aware it will have its challenges and difficulties as well as moments of joy and promise. We know that whatever this week brings, You are with us and because You are, we can trust Your promise. So we give You thanks, knowing You will help us embrace all that comes our way and help us to be faithful to Your calling us to serve here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 3, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson--32
Absent with leave--Senators--None			
Vacancies--2			

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 201, regarding isw group, Inc., St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 202, regarding Premier Foods, Milan, which was adopted.

Senator Klindt offered Senate Resolution No. 203, regarding Flexible Staffing, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 204, regarding Charlie Chapman, Meadville, which was adopted.

Senator Shields offered Senate Resolution No. 205, regarding Big Vision Design, LLC, Platte Woods, which was adopted.

Senator Shields offered Senate Resolution No. 206, regarding Uncle D's Sports Bar and Grill, Saint Joseph, which was adopted.

Senator Graham offered Senate Resolution No. 207, regarding the Fortieth Anniversary of Campus Lutheran Church, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 208, regarding David T. Hestir, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 209, regarding Jesse Lee "Jay" Curry, Jr., Columbia, which was adopted.

Senator Gross offered Senate Resolution No. 210, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Crites, Wentzville, which was adopted.

Senator Koster offered Senate Resolution No. 211, regarding DGR Associates, Belton, which was adopted.

Senator Scott offered Senate Resolution No. 212, regarding sComm, Inc., Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 213, regarding the birth of Eli James Norris, Rochester, Minnesota, which was adopted.

Senator Kennedy offered Senate Resolution No. 214, regarding Gregory James Buerkle, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 215, regarding TechGuard Security, LLC, Chesterfield, which was adopted.

Senator Mayer offered Senate Resolution No. 216, regarding Pastor Nathaniel Andrew Ellis, Kennett, which was adopted.

Senator Vogel offered Senate Resolution No. 217, regarding National TRIO Day, which was adopted.

Senator Vogel offered Senate Resolution No. 218, regarding Dr. Howard Marshall, which was adopted.

Senator Crowell offered Senate Resolution No. 219, regarding the Jerry Ford Orchestra, Cape Girardeau, which was adopted.

Senator Nodler offered Senate Resolution No. 220, regarding Able Products, Joplin, which was adopted.

Senator Gross offered Senate Resolution No. 221, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Kemper, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 222, regarding Benjamin Thomas Costello, St. Charles, which was

adopted.

Senator Purgason offered Senate Resolution No. 223, regarding FundRaiser Software, West Plains, which was adopted.

Senator Engler offered Senate Resolution No. 224, regarding Mississippi Lime Company, Ste. Genevieve, which was adopted.

Senator Stouffer offered Senate Resolution No. 225, regarding the birth of Jessica Ann Chapman, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 226, regarding Mr. and Mrs. John Bingham Marsh, which was adopted.

Senator Stouffer offered Senate Resolution No. 227, regarding Mr. and Mrs. Brian O'Neill, Olathe, Kansas, which was adopted.

Senator Wilson offered Senate Resolution No. 228, regarding P/Strada, LLC, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 304-By Ridgeway and Shields.

An Act to repeal sections 86.387 and 86.630, RSMo, and to enact in lieu thereof two new sections relating to police military leave.

SB 305-By Engler.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

SB 306-By Purgason.

An Act to repeal section 105.458, RSMo, and to enact in lieu thereof one new section relating to school board members.

SB 307-By Purgason.

An Act to repeal section 105.454, RSMo, and to enact in lieu thereof one new section relating to city boards.

SB 308-By Purgason.

An Act to repeal sections 355.716 and 355.871, RSMo, and to enact in lieu thereof two new sections relating to not-for-profit corporations.

SB 309-By Wilson.

An Act to repeal sections 571.010 and 571.030, RSMo, and to enact in lieu thereof two new sections relating to stun guns.

SB 310-By Champion.

An Act to repeal section 143.265, RSMo, and to enact in lieu thereof one new section relating to withholding of retirement income.

SB 311-By Dolan.

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to highway rights-of-way.

SB 312-By Dolan.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to expanding the membership of the highways and transportation commission.

SB 313-By Dolan.

An Act to repeal section 304.580, RSMo, and to enact in lieu thereof four new sections relating to highway construction and work zones, with penalty provisions.

SB 314-By Dolan.

An Act to repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to highway construction.

SB 315-By Dolan.

An Act to repeal section 197.121, RSMo, and to enact in lieu thereof one new section relating to the licensure of health care facilities.

SB 316-By Dolan.

An Act to repeal sections 192.665, 192.667, 197.200, 197.205, 197.210, 197.215, 197.220, 197.225, 197.230, and 197.235, RSMo, and to enact in lieu thereof twelve new sections relating to health care providers, with a penalty provision.

SB 317-By Mayer, Kennedy and Griesheimer.

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to the highway patrol retirement system.

SJR 16-By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 19 and 25(c)(1) of article V of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to judges of the supreme court.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 3, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin S. Cahill, 7133 Stanford Avenue, University City, Saint Louis County, Missouri 63130, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, for a term ending November 10, 2005, and until his successor is duly appointed and qualified; vice, Kevin S. Cahill, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lawrence "Doyle" Childers, Post Office Box 127, Reeds Spring, Stone County, Missouri 65737, as the Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Stephen Mahfood.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lawrence "Doyle" Childers, Post Office Box 127, Reeds Spring, Stone County, Missouri 65737, as the member of the Interstate Mining Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Stephen Mahfood.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lawrence "Doyle" Childers, Post Office Box 127, Reeds Spring, Stone County, Missouri 65737, as the member of the Midwest Interstate Low-Level Radioactive Waste Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Stephen Mahfood.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

REORGANIZATION PLAN NO. 2

2005

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2005, by Executive Order 05-08, to abolish the Division of Design and Construction within the Office of Administration, assign its responsibilities and functions to the Division of Facilities Management within the Office of Administration, and rename the Division of Facilities Management as the Division of Facilities Management, Design and Construction.

Respectfully submitted,

MATT BLUNT

GOVERNOR

EXECUTIVE ORDER

05-08

WHEREAS, the Division of Design and Construction within the Office of Administration was created by Section 8.120, RSMo, to supervise the design, construction, renovations and repair of state facilities; and

WHEREAS, the Division of Facilities Management within the Office of Administration was established by Executive Order 94-07 and Section 8.110, RSMo, to have responsibility for state leasing and facilities management; and

WHEREAS, prior to 1994, responsibility for state leasing and facilities management resided with the Division of Design and Construction within the Office of Administration; and

WHEREAS, the consolidation of the Division of Facilities Management and the Division of Design and Construction will benefit the citizens of the State of Missouri by promoting efficiency, avoiding duplication of services, and reducing costs; and

WHEREAS, the Governor, in consultation with the Commissioner of Administration, has determined that the best way to accomplish this consolidation is to abolish Division of Design and Construction and transfer its responsibilities and functions to the Division of Facilities Management.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby:

1. Abolish the Division of Design and Construction and transfer to the Division of Facilities Management the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Design and Construction; and
2. Rename the Division of Facilities Management as the Division of Facilities Management, Design and Construction.

IN WITNESS WHEREOF, I have hereunto set my (Seal) hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of February, 2005.

MATT BLUNT

GOVERNOR

ATTEST:

ROBIN CARNAHAN

SECRETARY OF STATE

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 2, 2005

REORGANIZATION PLAN NO. 3

2005

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2005, by Executive Order 05-09, providing for the transfer of the Missouri Head Injury Advisory Council from the Office of Administration to the Department of Health and Senior Services.

Respectfully submitted,

MATT BLUNT

GOVERNOR

EXECUTIVE ORDER

05-09

WHEREAS, the Missouri Head Injury Advisory Council was established in 1985 by Executive Order 85-06; and

WHEREAS, in 1986 the General Assembly gave the Missouri Head Injury Advisory Council statutory authority (Section 192.745, RSMo); and

WHEREAS, Section 192.745.2, RSMo assigned the Missouri Head Injury Advisory Council to the Division of General Services within the Office of Administration; and

WHEREAS, the Missouri Head Injury Advisory Council's responsibilities include promoting discussion of reducing the debilitating effects of head injuries and disseminates information on the prevention and rehabilitation of persons affected by head injuries, studies current prevention, treatment and rehabilitation technologies and recommends appropriate preparation and distribution of resources to provide services to head injured persons through private and public residential facilities, day programs and other specialized services, and recommending methods to improve the state's service delivery system and developing standards for funding or licensing of facilities, day programs and other specialized services; and

WHEREAS, the Department of Health and Senior Services' mission is to protect and promote the quality of life and health for all Missourians by developing and implementing programs and systems that provide information and education, effective regulation and oversight, quality services, and surveillance of diseases and conditions; and

WHEREAS, the Office of Administration and the Department of Health and Senior Services, with the consent of the Governor, have determined that the Missouri Head Injury Advisory Council should be assigned to Department of Health and Senior Services.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby transfer the Missouri Head Injury Advisory Council to the Department of Health and Senior Services by a Type I transfer.

IN WITNESS WHEREOF, I have hereunto set my (Seal) hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 2nd day of February, 2005.

MATT BLUNT

GOVERNOR

ATTEST:

ROBIN CARNAHAN

SECRETARY OF STATE

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 3, 2005

REORGANIZATION PLAN NO. 4

2005

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 4 of 2005, by Executive Order 05-10, providing for the transfer of in-home service programs from the Department of Social Services and the Department of Elementary and Secondary Education to the Department of Health and Senior Services.

Respectfully submitted,

MATT BLUNT

GOVERNOR

EXECUTIVE ORDER

05-10

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IX of the Missouri Constitution and created pursuant to Chapter 161.020, RSMo; and

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 37 of the Missouri Constitution and Chapter 660.010, RSMo; and

WHEREAS, the Department of Health and Senior Services is created pursuant to Chapter 192.005, RSMo; and

WHEREAS, the Department of Elementary and Secondary Education currently provides personal attendant care to individuals with sever physical disabilities to enable them to live more independently through the Personal Assistance Services Program; and

WHEREAS, the Department of Social Services currently provides access to health care for low-income elderly and disabled individuals through the Medicaid Program; and

WHEREAS, the Department of Health and Senior Services provides support services to help seniors and adults with disabilities maintain their

independence and safety; and

WHEREAS, the transfer of in-home care programs and services to one state department would better serve the state's elderly and disabled clients; and

WHEREAS, consolidation of these services would increase efficiencies and eliminate duplication of efforts; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Article IV, Section 12, Missouri Constitution, Chapter 26, RSMo, and the Omnibus State Reorganization Act of 1974, hereby order the Missouri Department of Elementary and Secondary Education, the Missouri Department of Social Services, and the Missouri Department of Health and Senior Services to cooperate to:

1. Develop mechanisms and processes necessary to effectively transfer in-home services programs that serve the elderly and disabled individuals to the Department of Health and Senior Services;
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the in-home services programs to the Department of Health and Senior Services, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

IN WITNESS WHEREOF, I have hereunto set my (Seal) hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 3rd day of February, 2005.

MATT BLUNT

GOVERNOR

ATTEST:

ROBIN CARNAHAN

SECRETARY OF STATE

President Pro Tem Gibbons referred the appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 10** and **SB 27**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which were referred **SB 202**, **SB 33**, **SB 45**, **SB 183** and **SB 217**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kinder assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 275--Pensions, Veterans' Affairs and General Laws.

SB 276--Pensions, Veterans' Affairs and General Laws.

SB 277--Small Business, Insurance and Industrial Relations.

SB 278--Judiciary and Civil and Criminal Jurisprudence.

SB 279--Judiciary and Civil and Criminal Jurisprudence.

SB 280--Financial and Governmental Organi-zations and Elections.

SB 281--Agriculture, Conservation, Parks and Natural Resources.

SB 282--Economic Development, Tourism and Local Government.

SB 283--Pensions, Veterans' Affairs and General Laws.

SB 284--Agriculture, Conservation, Parks and Natural Resources.

SB 285--Education.

SB 286--Education.

SB 287--Education.

SB 288--Economic Development, Tourism and Local Government.

SB 289--Economic Development, Tourism and Local Government.

SB 290--Transportation.

REFERRALS

President Pro Tem Gibbons referred **SCR 3** to the Committee on Rules, Joint Rules and Resolutions.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 3, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on State Records Commission

Dear Terry:

Pursuant to Section 109.250 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Joint Committee on

State Records Commission:

Senator Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 3, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of the Missouri Commission on the Delta Regional Authority

Dear Terry:

Pursuant to HCR 25 of 2002, I am appointing the following senators to the Missouri Commission on the Delta Regional Authority:

Senator Robert Mayer

Senator Kevin Engler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, twenty-four students and teachers from Cor Jesu Academy, St. Louis County.

Senator Stouffer introduced to the Senate, Tom Hiles, Bates City.

Senator Scott introduced to the Senate, Keith and Rhoda Ackerman, Springfield.

On motion of Senator Shields, the Senate adjourned under the rules. SENATE CALENDAR

NINETEENTH DAY-TUESDAY, FEBRUARY 8, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Mayer, et al

SB 292-Bray, et al

SB 293-Bray, et al

SB 294-Bray

SB 295-Dolan

SB 296-Coleman

SB 297-Coleman

SB 298-Coleman

SB 299-Coleman

SB 300-Coleman

SB 301-Coleman, et al

SB 302-Coleman

SB 303-Dougherty, et al

SB 304-Ridgeway and Shields

SB 305-Engler

SB 306-Purgason

SB 307-Purgason

SB 308-Purgason

SB 309-Wilson

SB 310-Champion

SB 311-Dolan

SB 312-Dolan

SB 313-Dolan

SB 314-Dolan

SB 315-Dolan

SB 316-Dolan

SB 317-Mayer, et al

SJR 14-Klindt

SJR 15-Coleman

SJR 16-Gross

SENATE BILLS FOR PERFECTION

SBs 1 & 130-Loudon, et al, with SCS

SBs 10 & 27-Cauthorn, et al, with SCS

SBs 202, 33, 45, 183 & 217-Crowell, with SCS

Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 8, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For darkness shall cover the earth, and thick darkness the peoples; but the Lord will arise upon you, and his glory will appear over you.” (Isaiah 60:2)

Gracious God, we awakened again to a dark and dreary day and we know our need of Your light and its drawing power so we may see the beauty of the day You bring to us even while darkness covers our land. Let Your light lead us along a right pathway so we may serve You as we do our best for all the people of this state and let our actions bring a light of help to those who need it the most. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Bartle assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 229, regarding the Reverend Stanley B. East, Jr., La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 230, regarding the death of Mark Cook, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 231, regarding the birth of Bobby Ray Stapleton, Jr., Columbia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 232, regarding Kingdom Telephone Company, Auxvasse, which was adopted.

Senator Shields offered Senate Resolution No. 233, regarding Lora Mae Steward, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 234, regarding the Ninetieth Birthday of Josephine Blanton, Keytesville, which was adopted.

Senator Stouffer offered Senate Resolution No. 235, regarding the birth of Rachel Kathleen Ancell, Macon, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 318—By Crowell.

An Act to repeal sections 36.031, 361.170, and 370.107, RSMo, and to enact in lieu thereof three new sections relating to compensation for financial institution regulators.

SB 319—By Koster.

An Act to repeal sections 288.045, 288.060, 288.110, 288.121, 288.122, and 288.128, RSMo, and to enact in lieu thereof six new sections relating to employees.

SB 320—By Koster.

An Act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

SB 321—By Shields.

An Act to amend chapter 208, RSMo, by adding thereto three new sections relating to the dental carve-out act of 2005.

SB 322—By Bartle.

An Act to repeal section 311.310, RSMo, and to enact in lieu thereof one new section relating to social hosts, with penalty provisions.

SB 323—By Bartle.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to umbilical cord blood banks.

SB 324—By Scott.

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to a tax deduction for contributions to educational savings programs.

SB 325—By Bray, Champion and Days.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to domestic assault offenses, with penalty provisions.

SENATE BILLS FOR PERFECTION

At the request of Senator Loudon, **SB 1** and **SB 130**, with **SCS**, were placed on the Informal Calendar.

Senator Cauthorn moved that **SB 10** and **SB 27**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 10** and **27**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 10 and 27

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the sale of products containing pseudoephedrine and ephedrine, with penalty provisions and an emergency clause.

Was taken up.

Senator Cauthorn moved that **SCS** for **SBs 10** and **27** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 27, Page 16, Section 195.017, Line 508, by striking the opening bracket “[” on said line; and further amend line 510, by striking the closing bracket “]” on said line; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Clemens assumed the Chair.

Senator Graham offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 27, Page 20, Section 195.417, Line 78, by inserting after said line the following:

“8. The provisions of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form.”.

Senator Graham moved that the above amendment be adopted.

Senator Cauthorn offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 27, Page 20, Section 195.417, Line 78, by inserting after said line the following:

“8. The provisions of subsection 1 of this section limiting individuals from purchasing the specified amount in any thirty day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. However, any person shall not purchase, receive, or otherwise acquire more than the specified amount of a compound, mixture, or preparation in liquid or liquid-filled gel capsule form in a single purchase as provided in subsection 1 of this section.”.

Senator Cauthorn moved that the above substitute amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SCS** for **SBs 10** and **27**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SBs 10** and **27**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 236, regarding the Ninetieth Birthday of Harold Dooley, Norborne, which was adopted.

Senator Coleman offered Senate Resolution No. 237, regarding Sigma-Aldrich Corporation, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 238, regarding BRK Electrical Contractors, LLC, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 239, regarding Luminomics - Shining Light on Regeneration, St. Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 8, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Missouri Arts Council Trust Fund Board of Trustees

Dear Terry:

Pursuant to Section 185.100 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senator to the Joint Committee on Missouri Arts Council Trust Fund Board of Trustees:

Senator Maida Coleman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 8, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Education Commission of the State

Dear Terry:

Pursuant to Section 173.300 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Education Commission of the State:

Senator Charles Shields

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

February 8, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Highway Employees' and Highway Patrol Retirement System Board of Trustees

Dear Terry:

Pursuant to Section 104.160 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Highway Employees' and Highway Patrol Retirement System Board of Trustees:

Senator John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 8, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Public Employees Deferred Compensation Commission

Dear Terry:
Pursuant to Section 105.910 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senator to the Public Employees Deferred Compensation Commission:

Senator Michael R. Gibbons

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 8, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Second State Capitol Commission

Dear Terry:
Pursuant to Section 8.003 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Second State Capitol Commission:

Senator Yvonne Wilson

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

February 8, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Tax Policy

Dear Terry:
Pursuant to Section 21.810.1 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senator to the Joint Committee on Tax Policy:

Senator Michael R. Gibbons

I am also appointing Senator Victor Callahan to the Joint Committee on Tax Policy.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Professor Lois Shufeldt and Professor Paula Kemp, Southwest

Missouri State University, Springfield.

On behalf of Senator Bartle, the President introduced to the Senate, Trey Windham, Overland Park, Kansas.

On behalf of Senator Coleman and herself, Senator Wilson introduced to the Senate, students from Lincoln University, Daniel Britts, Albert Grieve and Matt Willis, Jefferson City; Jeremy Bradley, Eldon; Marie Isler, Lake Ozark; Seleana Smith, St. Thomas, Virgin Islands; Latesha Stanley, Columbia; and Cliff Thornburg, Huntsville.

Senator Days introduced to the Senate, Dr. Carolyn Mahoney, President of Lincoln University, Jefferson City.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc. from around the state.

Senator Cauthorn introduced to the Senate, Keith Stuart, Center; and Keith was made an honorary page.

Senator Purgason introduced to the Senate, Bruce Mitchell and the 10th Leadership Camden County Class.

Senator Mayer introduced to the Senate, Ed Dust, Sikeston; Steve McPheters, New Madrid

County; and Janet Coleman, Dexter.

Senator Clemens introduced to the Senate, Dolen Hopkins, Marshfield.

Senator Scott introduced to the Senate, Kelly and Rodney Jensen and their children, Josiah Lydia, Nathaniel, Phillip, Quincey, Kaila, Marissa, Bryce and Emily, Buffalo; and Kaila, Marissa, Bryce and Emily were made honorary pages.

Senator Clemens introduced to the Senate, Jim Clark, Lebanon.

Senator Scott introduced to the Senate, Recorder Carole Poindexter, Polk County; Recorder Stacy Satterfield, Dallas County; Recorder Carole Wilkerson, Cedar County; and Recorder Stacy Atkinson, Webster County.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

Senator Loudon introduced to the Senate, Erik Shelquist and Paul Owens, Maplewood.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY–WEDNESDAY, FEBRUARY 9, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Mayer, et al

SB 292-Bray, et al

SB 293-Bray, et al

SB 294-Bray

SB 295-Dolan

SB 296-Coleman

SB 297-Coleman

SB 298-Coleman

SB 299-Coleman

SB 300-Coleman

SB 301-Coleman, et al

SB 302-Coleman

SB 303-Dougherty, et al
SB 304-Ridgeway and Shields
SB 305-Engler
SB 306-Purgason
SB 307-Purgason

SB 308-Purgason
SB 309-Wilson
SB 310-Champion
SB 311-Dolan
SB 312-Dolan
SB 313-Dolan
SB 314-Dolan
SB 315-Dolan
SB 316-Dolan

SB 317-Mayer, et al
SB 318-Crowell
SB 319-Koster
SB 320-Koster
SB 321-Shields
SB 322-Bartle
SB 323-Bartle
SB 324-Scott
SB 325-Bray, et al
SJR 14-Klindt
SJR 15-Coleman
SJR 16-Gross

SENATE BILLS FOR PERFECTION

SBs 202, 33, 45, 183 & 217-Crowell,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 1 & 130-Loudon, et al, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 9, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Create in me a clean heart, O God, and renew a right spirit within me.” (Psalm 51:11)

Heavenly Father, today we begin a journey that calls for us to look seriously at our lives and how best to follow Your lead. This journey of six weeks, the Christian world calls Lent, helps remember the journey of how they became Your people. For us, regardless of what faith we proclaim, we ask that we might learn from this time of self-exploration, especially to recognize our need of You. And so we pray that You walk with us and help us learn of You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV and KFVS-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

RESOLUTIONS

Senators Gibbons and Kennedy offered Senate Resolution No. 240, regarding Mark A. Figert, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 241, regarding Gordmans, Crestwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 242, regarding Mariano Marin-Gomez, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 243, regarding Carl Deutsch, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 244, regarding Franklin Donald Maddox, Crestwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 245, regarding Mary L. James, St. Louis County, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 246, regarding Rocky Bossert, St. Louis County, which was adopted.

Senator Vogel offered Senate Resolution No. 247, regarding Susan Cole, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 248, regarding Wren, Jefferson City, which was adopted.

Senator Kennedy offered Senate Resolution No. 249, regarding Ryan Cantwell, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 250, regarding Leonard Rexroad, Fair Play, which was adopted.

Senator Scott offered Senate Resolution No. 251, regarding Raymond “Max” Davolt, Fair Play, which was adopted.

Senator Scott offered Senate Resolution No. 252, regarding the Honorable Donald L. Barnes, Sedalia, which was adopted.

Senator Scott offered Senate Resolution No. 253, regarding the death of Sergeant Lindsey James, Urbana, which was adopted.

Senator Cauthorn offered Senate Resolution No. 254, regarding Tony Edmondson, Kahoka, which was adopted.

Senator Cauthorn offered Senate Resolution No. 255, regarding Robert Hanley, Wayland, which was adopted.

Senator Cauthorn offered Senate Resolution No. 256, regarding Joshua Justice, Kahoka, which was adopted.

Senator Shields offered Senate Resolution No. 257, regarding Mathew Scott McWilliams, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 258, regarding Patrick Sean Moran, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 259, regarding Ryan Anthony Carothers, Kansas City, which was adopted.

Senators Gibbons, Bray, Dolan, Gross, Coleman, Dougherty, Green, Kennedy, Days, Engler, Griesheimer and Loudon offered Senate Resolution No. 260, regarding the death of Reverend Charlie A. Dooley, St. Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 261, regarding Harry T. Corbett, Wentzville, which was adopted.

Senator Shields offered Senate Resolution No. 262, regarding Joe Michael Edwards, Kansas City, which was

adopted.

Senator Shields offered Senate Resolution No. 263, regarding Ian Michael Arthur, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 264, regarding Michael David Kilpatrick, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 265, regarding Allen Joseph “A.J.” Dolph, Weatherby Lake, which was adopted.

Senator Shields offered Senate Resolution No. 266, regarding Christopher Raymond Brame, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 267, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roger Erdman, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 268, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William D. Johnson, Norborne, which was adopted.

Senators Bray, Days and Loudon offered Senate Resolution No. 269, regarding the death of Scott Armstrong, Bridgeton, which was adopted.

Senator Coleman offered Senate Resolution No. 270, regarding the Whitaker Foundation, which was adopted.

Senator Mayer offered Senate Resolution No. 271, regarding Patrick McCoy, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 272, regarding Feather Light Lamp Manufacturing Company, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 273, regarding Darrell E. Roberts, Dexter, which was adopted.

Senator Klindt offered Senate Resolution No. 274, regarding the Eightieth Birthday of Jean Brookshier, Chillicothe, which was adopted.

Senator Purgason offered Senate Resolution No. 275, regarding Jerry Johnson, West Plains, which was adopted.

Senator Stouffer offered Senate Resolution No. 276, regarding Mr. and Mrs. Tim Lavin, Slater, which was adopted.

Senator Stouffer offered Senate Resolution No. 277, regarding the birth of Andrew Neil Dierking, Omaha, Nebraska, which was adopted.

Senator Stouffer offered Senate Resolution No. 278, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Duane Lockhart, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 279, regarding the birth of Paris Brooke Hammer, Sedalia, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 326—By Nodler.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof eight new sections relating to the tobacco master settlement agreement, with penalty provisions and an emergency clause.

SB 327—By Scott.

An Act to repeal sections 390.030, 390.201, and 622.550, RSMo, and to enact in lieu thereof seven new sections relating to commercial motor vehicles.

SB 328—By Coleman.

An Act to repeal section 162.601, RSMo, and to enact in lieu thereof one new section relating to school board elections.

SB 329—By Coleman.

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist registration.

SB 330—By Coleman.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to the creation of the gang resistance education and training program fund, with an expiration date.

SB 331—By Coleman.

An Act to repeal sections 454.507, 454.512, and 454.515, RSMo, and to enact in lieu thereof three new sections relating to child support.

SB 332—By Crowell.

An Act to authorize the conveyance of property owned by the state in Scott County to Sikeston Acquisition, Inc.

SB 333—By Green.

An Act to amend chapter 167, RSMo, by adding thereto three new sections relating to indoor air quality in schools.

SB 334—By Green.

An Act to repeal sections 285.025 and 290.560, RSMo, and to enact in lieu thereof two new sections relating to publicly financed projects, with penalty provisions.

SJR 17—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 10** and **27**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 1** and **SB 130**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1** and **130**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 & 130

An Act to repeal sections 287.020, 287.040, 287.063, 287.067, 287.120, 287.128, 287.140, 287.143, 287.150, 287.170, 287.190, 287.197, 287.203, 287.215, 287.270, 287.380, 287.390, 287.420, 287.510, 287.550, 287.715, 287.800, and 287.865, RSMo, and to enact in lieu thereof twenty-four new sections relating to workers' compensation, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SBs 1** and **130** be adopted.

Senator Loudon offered **SS** for **SCS** for **SBs 1** and **130**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 & 130

An Act to repeal sections 287.020, 287.040, 287.063, 287.067, 287.120, 287.128, 287.143, 287.150, 287.170, 287.190, 287.197, 287.203, 287.380, 287.390, 287.420, 287.510, 287.550, 287.715, 287.800, and 287.865, RSMo, and to enact in lieu thereof twenty-one new sections relating to workers' compensation, with penalty provisions.

Senator Loudon moved that **SS** for **SCS** for **SBs 1** and **130** be adopted.

Senator Crowell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 13, Section 287.120, Line 27 of said page, by inserting at the end of said line the following: **“A preponderance of the evidence standard shall apply to rebut such presumption.”**.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 41, Section 287.800, Line 7 of said page, by inserting after all of said line the following:

“287.804. 1. An employee may file an application with the division of workers' compensation to be excepted from the provisions of this chapter in respect to certain employees. The application shall include a written waiver by the employee of all benefits under this chapter and an affidavit by the employee and employer, that the employee and employer are members of a recognized religious sect or division, as defined in 26 U.S.C. 1402(g), by reason of which they are conscientiously opposed to acceptance of benefits of any public or private insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical bills, including the benefits of any insurance system established pursuant to the Federal Social Security Act, 42 U.S.C. 301, et seq.

2. The waiver and affidavit required by subsection 1 of this section shall be made upon a form to be provided by the division of workers' compensation.

3. An exception granted in regards to a specific employee shall continue to be valid until such employee rescinds the prior rejection of coverage or the employee or sect ceases to meet the requirements of subsection 1 of this section.

4. Any rejection pursuant to subsection 1 of this section shall be prospective in nature and shall entitle the employee only to reject such benefits that accrue on or after the date the rescission form is received by the insurance company.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 11, Section 287.067, Line 1, by adding after the word “department” the following: **“and peace officers certified pursuant to chapter 590, RSMo”**.

Senator Graham moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 11, Section 287.067, Lines 1 and 2 of said page, by striking said lines and inserting in lieu thereof the following: **“firefighters of a paid fire department [if a direct causal relationship is established] or paid police if a direct causal relationship is established under the provisions of this chapter.”**.

Senator Loudon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 32, Section 287.203, Line 19 of said page, by inserting after all of said line the following:

“287.215. No statement in writing made or given by an injured employee, whether taken and transcribed by a stenographer, signed or unsigned by the injured employee, or any statement which is mechanically or electronically recorded, or taken in writing by another person, or otherwise preserved, shall be admissible in evidence, used or

referred to in any manner at any hearing or action to recover benefits under this law unless a copy thereof is given or furnished the employee, or his dependents in case of death, or their attorney, within [fifteen] **sixty** days after written request for it by the injured employee, his dependents in case of death, or by their attorney. The request shall be directed to the employer or its insurer by certified mail.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Gibbons offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 1 of said amendment, Line 12, by deleting the word “**sixty**” and inserting in lieu thereof the word “**thirty**”.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SA 4**, as amended, be adopted, which motion prevailed.

Senator Callahan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 25, Section 287.170, Line 3, by inserting immediately after said line the following: “**As used in this section, the phrase “post injury misconduct” shall not include absence from the work place due to an injury unless the employee is capable of working with restrictions.**”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 5** was withdrawn.

Senator Bray offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 12, Section 287.120, Line 16, by inserting after the word “employees,” the following: “**which rule has been reduced to writing and signed in acknowledgment by the employee,**”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 6** was withdrawn.

Senator Callahan offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 25, Section 287.170, Line 3, by inserting immediately after said line the following: “**As used in this section, the phrase “post injury misconduct” shall not include absence from the work place due to an injury unless the employee is capable of working with restrictions.**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 24, Section 287.170, Lines 20-27 of said page, by striking said lines and inserting in lieu thereof the following:

“3. The [employer] **unemployment compen-sation fund** shall be entitled to [a dollar-for-dollar credit against any benefits owed pursuant to this section in an amount equal to] **a reimbursement from the employee in** the amount of unemployment compensation paid to the employee [and charged to the employer] during the same adjudicated or agreed-upon period of temporary total disability. **Such unemployment compen-sation benefits paid to the employee shall not be charged against the employer and the state shall have a lien in such amount against any award due the employee.**”.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 24, Section 287.170, Subsection 3, Lines 20-27, by deleting same and inserting in lieu thereof the following:

“3. The employer shall be entitled to a dollar-for-dollar credit against any benefits owed pursuant to this section in an amount equal to the amount of unemployment compensation paid to the employee and charged to the employer during the same adjudicated or agreed-upon period of temporary total disability. **An employee is disqualified from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation; provided however that this subsection shall not apply when an employer denies to the employee either work within the employee’s temporary medical restrictions or temporary-total disability compensation prior to the employee’s application for unemployment compensation.**”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 1** and **SB 130**, with **SCS, SS for SCS** and **SA 9** (pending), were placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 280, regarding the One Hundred Fiftieth Anniversary of Trinity Episcopal Church, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 281, regarding the One Hundredth Birthday of Maria Battaglia, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 282, regarding the Fiftieth Anniversary of Boy Scout Troop 584, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 283, regarding Bryan Lubs, Warrenton, which was adopted.

Senator Stouffer offered Senate Resolution No. 284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clarence Heil, Carrollton, which was adopted.

Senator Nodler offered Senate Resolution No. 285, regarding Bobby Waynick, Oronogo, which was adopted.

Senator Nodler offered Senate Resolution No. 286, regarding Thomas C. Phillips, Saginaw, which was adopted.

Senator Nodler offered Senate Resolution No. 287, regarding Larry Massey, Seneca, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 1** and **SB 130**, with **SCS, SS for SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 9 was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Coleman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 36, Section 287.420, Line 25, by inserting immediately after said line the following: “**Every employer under this chapter shall post a notice in a prominent and conspicuous place with the purpose of allowing all employees to see it informing employees that they should notify their employer within thirty days of an injury and further notifying employees that the failure to notify their employer within thirty days may jeopardize their ability to receive medical coverage for the injury, their ability to receive compensation, and any other benefit under this chapter.**”.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 19, Section 287.128, Lines 10-18 of said page, by striking said lines and inserting in lieu thereof the following:

“**10. Any prosecution for a violation of the provisions of this section or section 287.129 shall be commenced within three years after discovery of the offense by an aggrieved party or the fraud and noncompliance unit of**

the division.”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 24, Section 287.170, Line 27, by inserting after all of said line the following: **“However, if temporary total disability is ordered after hearing, covering a period in which unemployment compensation is received, the employer shall be entitled to a dollar for dollar credit from the temporary total disability obligation and the claimant shall receive any difference between the unemployment compensation benefit and the temporary total disability benefit from the employer.”.**

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 50, Section 287.865, Line 20 of said page, by inserting immediately after said line the following:

“287.957. The experience rating plan shall contain reasonable eligibility standards, provide adequate incentives for loss prevention, and shall provide for sufficient premium differentials so as to encourage safety. The uniform experience rating plan shall be the exclusive means of providing prospective premium adjustment based upon measurement of the loss-producing characteristics of an individual insured. An insurer may submit a rating plan or plans providing for retrospective premium adjustments based upon an insured's past experience. Such system shall provide for retrospective adjustment of an experience modification and premiums paid pursuant to such experience modification where a prior reserved claim produced an experience modification that varied by greater than fifty percent from the experience modification that would have been established based on the settlement amount of that claim. The rating plan shall prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed [five hundred] **one thousand dollars and the employer pays all of the total medical costs and there is no lost time from the employment, other than the first three days or less of disability under subsection 1 of section 287.160, and no claim is filed. An employer opting to utilize this provision maintains an obligation to report the injury pursuant to subsection 1 of section 287.380.”; and**

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 50, Section 287.865, Line 20, by inserting immediately after said line the following:

“287.1025. Each state agency shall promulgate rules and regulations for the creation of a worker safety committee within such agency. The worker safety committee shall make recommendations to such state agency of methods to increase workplace safety.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Pages 43-50, Section 287.865, by striking all of said section from the bill; and further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 43, Section 287.865, Lines 18-28, by striking all of said lines and insert in lieu thereof the following: **“be liable for any penalties or interest. Upon request, the employee shall fully cooperate with the Missouri Private Sector Self-Insurance Guaranty Corporation in filing of such forms as may be required by the bankruptcy court, provided that the**

Missouri Private Sector Self-Insurance Guaranty Corporation assists the employee with completing and filing of such forms. The Missouri Private Sector Self-Insurance Guaranty Corporation shall receive a credit for all sums the employee receives for workers’ compensation benefits as a result of the bankruptcy filing.”; and further amend said section, page 44, lines 1-15, by striking all of said lines from the bill.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Green offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 16, Section 287.128, Lines 15-23 of said page, by striking said lines and inserting in lieu thereof the following:

- “2. It shall be unlawful for any insurance company or self-insurer in this state to:
- (1) Intentionally refuse to comply with known and legally indisputable compensation obligations;
 - (2) Discharge or administer compensation obligations in a dishonest manner; and
 - (3) Discharge or administer compensation obligations in such a manner as to cause injury to the public or those persons dealing with the employer or insurer.”.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Kennedy.

SA 17 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Gross
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

Senator Crowell offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 41, Section 287.800, Lines 4-7, by striking all of said lines and inserting in lieu thereof the following: “**commission, and the**

division of workers’ compensation shall weigh the evidence impartially without giving the benefit of the doubt to any party when weighing evidence and resolving factual conflicts.”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 5, Section 287.020, Line 4, by striking the word “principle” and inserting in lieu thereof the word “**principal**”; and

Further amend said section and page line 5, by striking the word “principle” and inserting in lieu thereof the word “**principal**”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 41, Section 287.800, Line 1, by inserting immediately following the word “strictly” the following: “**with a view to the public welfare**”.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Days offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 2, Section 287.020, Lines 8-17, by deleting said lines and inserting in lieu thereof the following: “**not include an individual who is the owner and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the motor carrier and railroad safety division of the department of economic development or by the interstate commerce commission.**”; and

Further amend page 7, section 287.040, lines 19-28, by deleting said lines; and

Further amend page 8, same section, lines 1-11, by deleting said lines; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Dougherty, Green and Wheeler.

SA 21 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Scott	Wheeler	Wilson—12

NAYS—Senators

Callahan	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Loudon	Mayer
Nodler	Purgason	Ridgeway	Shields
Stouffer	Taylor	Vogel—19	

Absent—Senator Koster—1

Absent with leave—Senators—
None

Vacancies—2

Senator Gibbons offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 32, Section 287.203, Lines 7-19, by deleting all of said section from the bill; and further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 6, Section 287.020.10, Lines 8 through 15, by deleting same, and inserting in lieu thereof the following:

“10. In applying the provisions of this chapter, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of “arising out of”, and “in the course of the employment”, as extended in following cases: *Bennett v. Columbia Health Care and Rehabilitation*, 80 S.W.3d 524, (Mo.App. W.D.2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999).”.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Pages 15-19, Section 287.128, by striking all of said section from the bill and inserting in lieu thereof the following:

“287.128. 1. It shall be unlawful for any person to[:

(1)] knowingly present or cause to be presented any false or fraudulent claim for the payment of benefits pursuant to a workers' compensation claim[;].

[(2)] 2. It shall be unlawful for any insurance company or self-insurer in this state to knowingly and intentionally refuse to comply with known and legally indisputable compensation obligations with intent to defraud.

3. It shall be unlawful for any person to:

(1) Knowingly present multiple claims for the same occurrence with intent to defraud;

[(3) Purposefully prepare, make or subscribe to any writing with intent to present or use the same, or to allow it to be presented in support of any false or fraudulent claim;

(4)] (2) Knowingly assist, abet, solicit or conspire with:

(a) Any person who knowingly presents any false or fraudulent claim for the payment of benefits;

(b) Any person who knowingly presents multiple claims for the same occurrence with an intent to defraud; or

(c) Any person who purposefully prepares, makes or subscribes to any writing with the intent to present or use the same, or to allow it to be presented in support of any such claim;

[(5)] (3) Knowingly make or cause to be made any false or fraudulent claim for payment of a health care benefit;

[(6)] (4) Knowingly submit a claim for a health care benefit which was not used by, or on behalf of, the claimant;

[(7)] (5) Knowingly present multiple claims for payment of the same health care benefit with an intent to defraud;

[(8)] (6) Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit;

[9)] (7) Knowingly make or cause to be made any false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from making a legitimate claim;

(8) Knowingly make or cause to be made a false or fraudulent material statement to an investigator of the division in the course of the investigation of fraud or noncompliance.

For the purposes of subdivisions (6), (7), and (8) [and (9)] of this subsection, the term “statement” includes any notice, proof of injury, bill for services, payment for services, hospital or doctor records, X ray or test results.

[2. It shall be unlawful for any insurance company or self-insurer in this state to:

(1) Intentionally refuse to comply with known and legally indisputable compensation obligations;

(2) Discharge or administer compensation obligations in a dishonest manner; and

(3) Discharge or administer compensation obligations in such a manner as to cause injury to the public or those persons dealing with the employer or insurer.

3.] **4.** Any person violating any of the provisions of subsections 1 [and] **or 2** of this section [or section 287.129,] shall be guilty of a class [A misdemeanor and,] **D felony**. In addition, **the person** shall be liable to the state of Missouri for a fine [not to exceed] **up to** ten thousand dollars or double the value of the fraud whichever is greater. **Any person violating any of the provisions of subsection 3 of this section shall be guilty of a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to ten thousand dollars.** Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of subsections 1, [and] **2 or 3** of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of subsections 1, [and] **2 or 3** of this section [or the provisions of section 287.129] shall be guilty of a class [D] **C** felony.

[4.] **5.** It shall be unlawful for any person, company, or other entity to prepare or provide an invalid certificate of insurance as proof of workers' compensation insurance. Any person violating any of the provisions of this subsection shall be guilty of a class **D felony** and, in addition, shall be liable to the state of Missouri for a fine up to ten thousand dollars or double the value of the fraud, whichever is greater.

6. Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of this section [or the provisions of section 287.129] shall be guilty of a class D felony.

[5.] **7.** Any employer [failing] **who knowingly fails** to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a penalty in an amount [equal to twice] **up to three times** the annual premium the employer would have paid had such employer been insured or [twenty-five] **fifty** thousand dollars, whichever amount is greater. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of this section [or the provisions of section 287.129] shall be guilty of a class D felony.

[6.] **8.** Any person may file a complaint alleging fraud or noncompliance with this chapter with a legal advisor in the division of workers' compensation. The legal advisor shall refer the complaint to the fraud and noncompliance unit within the division. The unit shall investigate all complaints and present any finding of fraud or noncompliance to the director, who may refer the file to the attorney general. The attorney general may prosecute any fraud or noncompliance associated with this chapter. All costs incurred by the attorney general associated with any investigation and prosecution pursuant to this subsection shall be paid out of the workers' compensation fund. Any fines or penalties levied and received as a result of any prosecution under this section shall be paid to the workers' compensation fund. Any restitution ordered as a part of the judgment shall be paid to the person or persons who were defrauded.

9. Any and all reports, records, tapes, photographs, and similar materials or documentation submitted by any person, including the department of insurance, to the fraud and noncompliance unit or otherwise obtained by the unit pursuant to this section, used to conduct an investigation for any violation under chapter 287, shall

be considered confidential and not subject to the requirements of chapter 610, RSMo. Nothing in this subsection prohibits the fraud and noncompliance unit from releasing records used to conduct an investigation to the local, state, or federal law enforcement authority or federal or state agency conducting an investigation, upon written request.

[7.] **10.** There is hereby established in the division of workers' compensation a fraud and noncompliance administrative unit responsible for investigating incidences of fraud and failure to comply with the provisions of this chapter.

11. Any prosecution for a violation of the provisions of this section or section 287.129 shall be commenced within three years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense. As used in this subsection, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting attorney having jurisdiction to prosecute the action.

287.129. 1. A health care provider commits a fraudulent workers' compensation insurance act if he knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, purported insurer, broker, or any agent thereof, any claim for payment or other benefit which involves any one or more of the following false billing practices:

(1) "Unbundling" an insurance claim by claiming a number of medical procedures were performed instead of a single comprehensive procedure;

(2) "Upcoding" a medical, hospital or rehabilitative insurance claim by claiming that a more serious or extensive procedure was performed than was actually performed;

(3) "Exploding" a medical, hospital or rehabilitative insurance claim by claiming a series of tests were performed on a single sample of blood, urine, or other bodily fluid, when actually the series of tests were part of one battery of tests; or

(4) "Duplicating" a medical, hospital or rehabilitative insurance claim made by a health care provider by resubmitting the claim through another health care provider in which the original health care provider has an ownership interest.

Nothing in this section shall prohibit providers from making good faith efforts to ensure that claims for reimbursement are coded to reflect the proper diagnosis and treatment.

2. If, by its own inquiries or as a result of complaints, the department of insurance has reason to believe that a person has engaged in, or is engaging in, any fraudulent workers' compensation insurance act contained in this section, it may administer oaths and affirmations, serve subpoenas ordering the attendance of witnesses or proffering of matter, and collect evidence.

3. If the matter that the department of insurance seeks to obtain by request is located outside the state, the person so requested may make it available to the division or its representative to examine the matter at the place where it is located. The department may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.

4. Any person violating any of the provisions subsection 1 shall be guilty of a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to twenty thousand dollars. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of subsections 1 of this section and who subsequently violates any of the provisions of subsection 1 this section shall be guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 and 130, Page 35, Section

287.390, Line 12, by inserting immediately after the word “employee” the word “**fully**”.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS** for **SCS** for **SBs 1** and **130**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SBs 1** and **130**, as amended, was declared perfected and ordered printed.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 1** and **130**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 1** and **130** to the Committee on

Governmental Accountability and Fiscal Oversight.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Dr. Sandra Scorse-DeTar, Director, Dental Hygiene Program, faculty members and thirty-eight dental hygiene students from Missouri Southern State University-Joplin.

Senator Kennedy introduced to the Senate, Deanna Habel, Jennifer Bell, Heidi Rankin, Sarah Fultz, Mary Sullivan, Erica Weems, Lynn Harvey, Darla Melton, Leah Karl, Christy Burkley, Jenny Banks, Jamie Torbet and Amy Ribaudo, dental hygiene students from Forest Park Community College, St. Louis.

Senator Dolan introduced to the Senate, the Physician of the Day, Dr. Charles Bowen, M.D., St. Charles.

Senator Scott introduced to the Senate, Stacie Miller-Scrivner, Battlefield; Ashley Cox, Clever; and Henrietta L. Woehr, Westphalia.

Senator Scott introduced to the Senate, Heather Bledsoe, Osceola; and Sarah Elliott, California.

Senator Clemens introduced to the Senate, FBLA State President Shyrah Perry and Sandra Robinson, Fair Grove High School.

Senator Clemens introduced to the Senate, Roger and Ronda Worley, and their children, Christopher, Caleb and Melinda, Springfield.

Senator Kennedy introduced to the Senate, Katie Chierek, St. Louis.

On behalf of Senator Dougherty and himself, Senator Kennedy introduced to the Senate, Dan McGuire, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 10, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 291-Mayer, et al

SB 292-Bray, et al

SB 293-Bray, et al

SB 294-Bray

SB 295-Dolan

SB 296-Coleman

SB 297-Coleman

SB 298-Coleman

SB 299-Coleman

SB 300-Coleman

SB 301-Coleman, et al

SB 302-Coleman

SB 303-Dougherty, et al

SB 304-Ridgeway and Shields

SB 305-Engler

SB 306-Purgason

SB 307-Purgason

SB 308-Purgason

SB 309-Wilson

SB 310-Champion

SB 311-Dolan

SB 312-Dolan

SB 313-Dolan

SB 314-Dolan

SB 315-Dolan

SB 316-Dolan

SB 317-Mayer, et al

SB 318-Crowell

SB 319-Koster

SB 320-Koster

SB 321-Shields

SB 322-Bartle

SB 323-Bartle

SB 324-Scott

SB 325-Bray, et al

SB 326-Nodler

SB 327-Scott

SB 328-Coleman

SB 329-Coleman

SB 330-Coleman

SB 331-Coleman

SB 332-Crowell

SB 333-Green
SB 334-Green
SJR 14-Klindt
SJR 15-Coleman
SJR 16-Gross
SJR 17-Crowell

THIRD READING OF SENATE BILLS

SCS for SBs 10 & 27-Cauthorn, et al

SS for SCS for SBs 1 & 130-Loudon
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SBs 202, 33, 45, 183 & 217-Crowell,
with SCS

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 10, 2005

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“And now my children listen to me: Happy are those who keep my ways.” (Proverbs 8:32)

Almighty God, You have revealed true wisdom for our benefit and as we try to manage our lives as public servants and those who live and maintain a family life, make our will and actions true to You in both spheres. Help us to see how we are missed and needed and be sensitive to those that love us. And help us seek the path that brings us wisdom for daily living and knowledge of You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 335—By Dougherty.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the state capitol.

SB 336—By Dougherty and Dolan.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ school reimbursements.

SB 337—By Crowell.

An Act to repeal sections 483.537 and 483.550, RSMo, and to enact in lieu thereof one new section relating to collection of passport fees.

SB 338—By Gross.

An Act to repeal sections 135.010 and 137.106, RSMo, and to enact in lieu thereof two new sections relating to the homestead preservation tax credit.

SB 339—By Gross.

An Act to repeal section 32.040, RSMo, and to enact in lieu thereof one new section relating to branch offices of the department of revenue.

SB 340—By Kennedy and Koster.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to authorizing the City of St. Louis to use automated traffic control systems.

SB 341—By Bartle.

An Act to repeal sections 197.305, 197.315, 197.317, 197.325, 197.340, 197.345, 197.355, and 197.357, RSMo, and to enact in lieu thereof eight new sections relating to certificate of need.

SB 342—By Bartle.

An Act to repeal section 559.607, RSMo, and to enact in lieu thereof one new section relating to probation services for municipal ordinance violations.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Joseph J. Frank, as a member of the Missouri Veterans' Commission;

Also,

Richard D. LaBore and Kevin S. Cahill, as members of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

Christopher G. Goodson, as a member of the St. Louis City Board of Police Commissioners;

Also,

David Charles Campbell, M.D., M.Ed., as a member of the Drug Utilization Review Board;

Also,

Lawrence "Doyle" Childers, as the Director of the Department of Natural Resources;

Also,

Lawrence "Doyle" Childers, as the member of the Interstate Mining Commission;

Also,

Lawrence "Doyle" Childers, as the member of the Midwest Interstate Low-Level Radioactive Waste Commission;

Also,

Richard H. Dahl, as a member of the Missouri Investment Trust;

Also,

Phillip L. Gould, as a member of the Seismic Safety Commission;

Also,

Glenda Kremer, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Gene H. Dexter, Ph.D., as a public member of the Committee for Professional Counselors.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 98**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 1** and **130**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SBs 10** and **27**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 10 and 27

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the sale of products containing pseudoephedrine and ephedrine, with penalty provisions and an emergency clause.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SBs 10** and **27** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 1 and 130, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1 and 130

An Act to repeal sections 287.020, 287.040, 287.063, 287.067, 287.120, 287.128, 287.129, 287.143, 287.150, 287.170, 287.190, 287.197, 287.215, 287.380, 287.390, 287.420, 287.510, 287.550, 287.715, 287.800, 287.865, and 287.957, RSMo, and to enact in lieu thereof twenty-five new sections relating to workers' compensation, with penalty provisions.

Was taken up.

On motion of Senator Loudon, **SS for SCS for SBs 1 and 130** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—23	

NAYS—Senators

Bray	Coleman	Days	Dougherty
Graham	Green	Kennedy	Wheeler

Wilson—9

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 202, SB 33, SB 45, SB 183** and **SB 217**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 202, 33, 45, 183** and **217**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 202, 33, 45, 183 and 217**

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement.

Was taken up.

Senator Crowell moved that **SCS** for **SBs 202, 33, 45, 183** and **217** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 202, 33, 45, 183 and 217, Page 1, In the Title, Line 3, by inserting immediately after the word “retirement” the following: “, with an emergency clause”; and

Further amend said bill and page, Section 287.813, Line 2, by striking the following: “January 1, 2006”; and inserting in lieu thereof the following: “**the effective date of this act**”; and

Further amend said bill, Page 2, Section 287.845, Line 17, by striking the following: “Effective January 1, 2006”; and inserting in lieu thereof the following: “**As of the effective date of this act**”; and further amend line 22 by striking “January 1, 2006” and insert in lieu thereof “**the effective date of this act**”; and further amend line 29, by inserting after all of said line the following:

“Section B. Because of the state of Missouri’s retirement systems need to maintain the highest level of integrity and fairness, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SCS** for **SBs 202, 33, 45, 183 and 217**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell **SCS** for **SBs 202, 33, 45, 183 and 217**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 343—By Bartle, Shields, Callahan, Griesheimer, Wheeler, Wilson, Kennedy, Coleman and Days.

An Act to repeal sections 99.960 and 135.284, RSMo, section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof three new sections relating to state tax increment financing, with an expiration date.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 278** to the Committee on Financial and Governmental Organizations and Elections.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 291—Small Business, Insurance and Industrial Relations.

SB 292—Judiciary and Civil and Criminal Jurisprudence.

SB 293—Pensions, Veterans’ Affairs and General Laws.

SB 294—Transportation.

SB 295—Ways and Means.

SB 296—Education.

SB 297—Education.

SB 298—Education.

SB 299—Education.

SB 300—Economic Development, Tourism and Local Government.

SB 301—Economic Development, Tourism and Local Government.

SB 302—Financial and Governmental Organizations and Elections.

SB 303—Judiciary and Civil and Criminal Jurisprudence.

SB 304—Pensions, Veterans’ Affairs and General Laws.

SB 305—Financial and Governmental Organizations and Elections.

SB 306—Education.

SB 307—Economic Development, Tourism and Local Government.

SB 308—Financial and Governmental Organizations and Elections.

SB 309—Judiciary and Civil and Criminal Jurisprudence.

SB 310—Ways and Means.

SB 311—Commerce, Energy and the Environment.

SB 312—Transportation.

SB 313—Judiciary and Civil and Criminal Jurisprudence.

SB 314—Commerce, Energy and the Environment.

SB 315—Financial and Governmental Organizations and Elections.

SB 316—Aging, Families, Mental and Public Health.

SB 317—Pensions, Veterans' Affairs and General Laws.

SB 318—Financial and Governmental Organizations and Elections.

SB 319—Pensions, Veterans' Affairs and General Laws.

SB 320—Judiciary and Civil and Criminal Jurisprudence.

Senator Coleman requested unanimous consent of the Senate to withdraw **SB 328** and **SB 330**, which request was granted.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 288, regarding Delta Companies, Cape Girardeau, which was adopted.

Senator Ridgeway offered Senate Resolution No. 289, regarding Logan K. Hayes, Kansas City, which was adopted.

COMMUNICATIONS

Senator Shields submitted the following:

February 10, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Northland Republican Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Northland Republican Caucus:

Senator Charlie Shields

Senator Luann Ridgeway

Senator Bill Stouffer

Representative Doug Ervin

Representative Tim Flook

Representative Jerry Nolte

Representative Jim Guest

Representative Bob Nance

Representative Susan Phillips

Representative Jason Brown

Also,

February 10, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's South St. Louis Region Bi-Partisan Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie
Charlie Shields
South St. Louis Region Bi-Partisan Caucus:

Sen. Harry Kennedy	Sen. Pat Dougherty
Sen. Maida Coleman	Sen. Mike Gibbons
Rep. Fred Kratky	Rep. Mike Vogt
Rep. Mike Daus	Rep. Jim Lembke
Rep. Pat Yaeger	Rep. Walt Bivins
Rep. Sue Schoemehl	Rep. Tim Meadows
Rep. Tom Villa	Rep. Jim Avery

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Bill Redinger, Pleasant Hope.

Senator Nodler introduced to the Senate, Pete Ramsour and Steve Fuller, Joplin.

Senator Scott introduced to the Senate, Craig Burger, Whiteman AFB; and Brenda Parrish and Steve Fox, Walnut Grove.

On behalf of Senator Shields and himself, Senator Klindt introduced to the Senate, Charles and Jean Edwards, St. Joseph.

Senator Nodler introduced to the Senate, Terri Bennett, Joplin.

Senator Purgason introduced to the Senate, Matt Searson, Lebanon.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Douglas Anthony, M.D., Columbia.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Hal Bartch, Elaine Bastl, Billy Collier, Ernie Dempsey, Ted Dettmer, Doug Funderburk, Bill Guerdan, Anita and Chuck Marley, John McGuire, Janet Woodburn, Mary West , Kathy Lambert and Sheri Builderback, St. Charles County.

Senator Loudon introduced to the Senate, Allison Kenemer and forty-five fourth grade students and parents from Twin Oaks Christian School,

Twin Oaks.

Senator Bray introduced to the Senate, Judy Rice, Wendy Wamhoff, Brittany Garcia, Shannon Funkhouser and eighty fourth grade students from Bridgeway Elementary School, Bridgeton.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 14, 2005.

SENATE CALENDAR

TWENTY-SECOND DAY–MONDAY, FEBRUARY 14, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Shields
SB 322-Bartle
SB 323-Bartle

SB 324-Scott
SB 325-Bray, et al
SB 326-Nodler
SB 327-Scott
SB 329-Coleman
SB 331-Coleman
SB 332-Crowell
SB 333-Green
SB 334-Green
SB 335-Dougherty

SB 336-Dougherty and Dolan
SB 337-Crowell
SB 338-Gross
SB 339-Gross
SB 340-Kennedy and Koster
SB 341-Bartle
SB 342-Bartle
SB 343-Bartle, et al
SJR 14-Klindt
SJR 15-Coleman
SJR 16-Gross
SJR 17-Crowell

SENATE BILLS FOR PERFECTION

SB 98-Champion, et al, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 14, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“You shall take no vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself: I am the Lord.” (Leviticus 19:18)

O Lord, on this Valentine’s Day may we express love to those who You have placed in our hearts. May we be expressive of our love and care for those whom You have given us to show in small ways how much they mean to us. And may we be neighborly in a most loving way to those we meet each day, especially those who want nothing from us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 10, 2005, was read and approved.

Senator Shields announced that photographers from KOCR-TV, Springfield, the St. Joseph News-Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 290, regarding Paternity Testing Corporation, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 291, regarding John Kadlec, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 292, regarding Renewable Alternatives, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 293, regarding H2OVER Beverage Company, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 294, regarding Diana Bartholomew, Armstrong, which was adopted.

Senator Stouffer offered Senate Resolution No. 295, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Luebbering, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 296, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Barney Burks, Marshall, which was adopted.

Senator Shields offered Senate Resolution No. 297, regarding Lucille Luke, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 298, regarding Thomas Hipp, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 299, regarding Jennifer Corum, Gladstone, which was adopted.

Senator Stouffer offered Senate Resolution No. 300, regarding Tom Foster, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 301, regarding Karen Noska, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 302, regarding the Reverend Marjorie L. Casson, Brunswick, which was adopted.

Senator Bartle offered Senate Resolution No. 303, regarding Steven Fields, Independence, which was adopted.

Senator Clemens offered Senate Resolution No. 304, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Ghan, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 305, regarding Michael P. Brooks, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 306, regarding Richard Ehram, Billings, which was adopted.

Senator Clemens offered Senate Resolution No. 307, regarding Darrell Hand, Ava, which was adopted.

Senator Bartle offered Senate Resolution No. 308, regarding Steve Krueger, Blue Springs, which was adopted.

Senator Engler offered Senate Resolution No. 309, regarding Gary Heifner, which was adopted.

Senator Engler offered Senate Resolution No. 310, regarding Kyle Kaalberg, which was adopted.

Senator Cauthorn offered Senate Resolution No. 311, regarding the Missouri Corn Merchandising Council, which was adopted.

Senator Graham offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 312

WHEREAS, the members of the Missouri Senate were truly saddened by the death of Columbia police officer Molly Bowden on February 10, 2005, at the age of twenty-six; and

WHEREAS, Molly Bowden was born on July 20, 1978, in Paris, Missouri, into the family of David and Beverly Thomas; rode her first horse at the age of five; and moved to a 185-acre farm in Rocheport in 1988; and

WHEREAS, at the age of eight Molly Bowden accepted the Christian faith while attending Vacation Bible School, a seminal point in her life which would prove to be of tremendous significance to her as an individual and as a member of a family which subsequently followed her lead and joined her in that spiritual journey; and

WHEREAS, Molly Bowden graduated from Hickman High School in 1996, studied criminal justice at Columbia College, and attended the Law Enforcement Training Institute before becoming a police officer with the University of Missouri-Columbia Police Department in 2001; and

WHEREAS, the former Molly Thomas met her future husband, Corey Bowden, when she was an MU police officer and he was her backup from the Columbia Police Department; and

WHEREAS, Molly Thomas and Corey Bowden were joined in holy matrimony during a ceremony which was performed in Jamaica on July 29, 2003, to fulfill the bride's longstanding desire for a beach wedding; and

WHEREAS, on January 10, 2005, officer Molly Bowden was shot while on duty and became the Columbia Police Department's first-ever officer to die from an assault in the line of duty when she succumbed to injuries on February 20, 2005; and

WHEREAS, Molly Bowden is survived by her parents, David and Beverly Thomas; her brother, Matt Thomas; her loving husband, Corey Bowden; and her beloved stepsons, Cody and Brandon Bowden, with whom she introduced her deep faith in Jesus by regularly taking them to Sunday School:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to memorialize the life and work of the late Molly Bowden and to convey this legislative body's most heartfelt condolences to her family members, friends, colleagues, and neighbors who now miss her considerable strength, warmth, and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of police officer Molly Bowden of Columbia, Missouri.

Senator Graham offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 313

WHEREAS, the members of the Missouri Senate were truly saddened to learn of the death of John William Thomas on Thursday, February 10, 2005, at the age of fifty; and

WHEREAS, born on November 10, 1954, into the family of Carl and Marjorie Thomas of Columbia, John Thomas married the former Shirley Louise O'Neal on June 18, 1977; and

WHEREAS, the marital union of John and Shirley O'Neal was blessed with the love and affection of two children, Jennifer Thomas and Jason Thomas of Springfield; and

WHEREAS, John Thomas became interested in the professional field of fire protection during high school and subsequently served as the Chief of the Southern Boone County Fire Protection District; and

WHEREAS, John Thomas also served the Hartsburg community through his membership and active participation in the Hartsburg Town Board, Lions Club, Hartsburg Pumpkin Festival Committee, and River Hills Housing Board; and

WHEREAS, John Thomas also distinguished himself as a supervisor of the building trade at the University of Missouri-Columbia; and

WHEREAS, the late John Thomas is survived by his parents, Carl and Marjorie Thomas; daughter, Jennifer Thomas; son, Jason Thomas; sister, Rebecca Kropf; and special friend, Patricia Edelen, of Columbia:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to memorialize the life and work of John Thomas and to convey this legislative body's most heartfelt condolences to his family members, friends, colleagues, and neighbors who now miss his considerable strength, warmth, and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of John William Thomas of Hartsburg, Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 344—By Wheeler.

An Act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to service of summons in unlawful detainer actions.

SB 345—By Vogel.

An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfer of

employer accounts, with an effective date.

SB 346—By Clemens.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

SB 347—By Clemens and Taylor.

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for professional counselors.

SB 348—By Clemens.

An Act to repeal section 324.484, RSMo, and to enact in lieu thereof one new section relating to exemption of dentists from acupuncture licensing requirements.

SB 349—By Green, Callahan, Kennedy and Graham.

An Act to repeal sections 290.210, 290.220, 290.230, 290.250, 290.260, 290.262, 290.263, 290.265, 290.270, 290.280, 290.290, 290.300, 290.305, 290.315, 290.320, 290.325, 290.330, 290.335, and 290.340, RSMo, and to enact in lieu thereof twenty new sections relating to prevailing wages on public works, with penalty provisions.

SB 350—By Wilson.

An Act to repeal section 195.214, RSMo, and to enact in lieu thereof one new section relating to distribution of controlled substances in public parks, with penalty provisions.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dave Edwards, Republican, 702 Maxine, Crane, Stone County, Missouri 65633, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2005, and until his successor is duly appointed and qualified; vice, Dave Edwards, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William Dale Finke, 12 Harbor View Drive, Lake Saint Louis, Saint Charles County, Missouri 63367, as the Director of the Department of Insurance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Scott B. Lakin.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jerry R. King, Republican, Rural Route 4, Post Office Box 744, Butler, Bates County, Missouri 64730, as a member of the State Fair Commission, for a term ending December 29, 2005, and until his successor is duly appointed and qualified; vice, Morris Brown, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peggy D. Loman, 909 Northeast Willow Court, Oak Grove, Jackson County, Missouri 64075, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, Peggy D. Loman, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael A. Marx, 4173 Fairburn Court, Saint Louis, Saint Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Michael A. Marx, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carl D. Nelson, 2616 Mitchel Avenue, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2006, and until his successor is duly appointed and qualified; vice, Carl D. Nelson, withdrawn.

Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Tina A. Odo, Republican, 19242 Saint Albans Valley Drive, Glencoe, Saint Louis County, Missouri 63038, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2007, and until her successor is duly appointed and qualified; vice, Tina A. Odo, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bruce A. Olson, Republican, 12 Saint Andrews Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2009, and until his successor is duly appointed and qualified; vice, Jewel L. Hunter, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael J. Stephens, R.Ph., 340 South Elgin, Bolivar, Polk County, Missouri 65613, as a member of the Commission for the Missouri Senior Rx Program, for a term ending November 8, 2007, and until his successor is duly appointed and qualified; vice, Charles Bond, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin L. Thompson, Republican, 4 Boxwood Lane, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2009, and until his successor is duly appointed and qualified; vice, Clifford I. Whipple, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 9, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Deborah K. Waller, 225 Bradley, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Cosmetology, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, Deborah K. Waller, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

REPORTS OF STANDING COMMITTEES

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 69**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 70**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 99**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 174**, begs leave to report that it has considered the same and recommends that the bill do pass and be

placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 206**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 178**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 141**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 71**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 21**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 162**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 149**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 189**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 8**, begs leave to report that it has considered the same and recommends that the joint resolution do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 202, 33, 45, 183 and 217**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 98**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 98**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 98

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof fourteen new sections relating to state institutions of higher education.

Was taken up.

Senator Champion moved that **SCS** for **SB 98** be adopted.

Senator Champion offered **SS** for **SCS** for **SB 98**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 98

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof fourteen new sections relating to state institutions of higher education.

Senator Champion moved that **SS** for **SCS** for **SB 98** be adopted.

Senator Days offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 21, Section 174.241, Line 28 of said page, by inserting after all of said line the following:

“Section B. The provisions of this act shall only become effective when all of the state’s public policy issues mentioned by the governor in his state of the state address, as printed on pages 119-123 of the senate journal on Wednesday, January 26, 2005, are resolved. A panel, consisting of the president pro tempore of the Missouri senate, the speaker of the Missouri house of representatives, the Missouri senate minority floor leader, and the Missouri house minority leader, must unanimously agree that all such issues have been resolved. Upon such an unanimous decision, the panel shall send written notice to the revisor of statutes, and the provisions of this act shall become effective.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Nodler raised the point of order that **SA 1** is out of order in that it goes beyond the scope and purpose of the title of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

At the request of Senator Champion, **SB 98**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 210**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 1**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

REFERRALS

President Pro Tem Gibbons referred the gubernatorial appointments appearing on pages 215-217 of today's Journal to the Committee on Gubernatorial Appointments.

On motion of Senator Shields, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

SENATE BILLS FOR PERFECTION

Senator Champion moved that **SB 98**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Days was recognized to inquire of Senator Dougherty.

Senator Dolan raised the point of order that the debate between Senator Days and Senator Dougherty was not debate, but in fact Senator Dougherty was speaking on the bill and was not recognized for that purpose.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Dolan offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 1, Section B, Line 4, by striking the word "all" and inserting in lieu thereof: "a majority"; and further amend lines 7 to 14, by striking all of said lines and inserting in lieu thereof: "2005, are filed as legislation by members of the 93rd General Assembly, First Regular Session."; and".

Senator Dolan moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

Absent—Senators

Days
Wheeler—2

Absent with leave—Senators—
None

Vacancies—2

SA 1 to SA 1 was again taken up.

Senator Koster assumed the Chair.

Senator Bartle assumed the Chair.

At the request of Senator Dolan, SA 1 to SA 1 was withdrawn.

SA 1 was again taken up.

President Kinder assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—2

SA 1 was again taken up.

At the request of Senator Days, SA 1 was withdrawn.

Senator Koster offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 7, Section 174.020, Line 21, by inserting after the “1.”: **“Except as provided in subsection 5 of this section,”** and further amend said section, page 8, line 21, by inserting after all of said line: **“5. The board of governors of the institution at Warrensburg, Johnson County, may alter the name of such institution to “The University of Central Missouri” upon the approval of at least four voting members of the board. Upon such a vote, the board shall provide written notice to the revisor of statutes affirming that the board has approved the alteration. From the date the revisor receives the notice, the institution at Warrensburg, Johnson County, shall be named and known as “The University of Central Missouri.” The provisions of this subsection shall expire on August 28, 2007.”;** and further amend page 20, section 176.010, line 28, by striking the “(e)” and inserting in lieu thereof: “[e] (f)” and further amend page 21 of said section, line 2, by striking the “(f)” and inserting in lieu thereof: “[f] (g)”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 21, Section 174.241, Line 28 of said page, by inserting after all of said line the following:

“Section B. The provisions of this act shall only become effective when all of the state’s public policy issues mentioned by the governor in his state of the state address, as printed on pages 119-123 of the senate journal on Wednesday, January 26, 2005, are resolved. A panel, consisting of the president pro tempore of the Missouri senate, the speaker of the Missouri house of representatives, the Missouri senate minority floor leader, and the Missouri house minority leader, must unanimously agree that all such issues have been resolved. Upon such an unanimous decision, the panel shall send written notice to the revisor of statutes, and the provisions of this act shall become effective.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—27	

Absent—Senators

Cauthorn	Dolan	Dougherty	Gross
Wheeler—5			

Absent with leave—Senators—
None

Vacancies—2

SA 3 was again taken up.

At the request of Senator Days, **SA 3** was withdrawn.

Senator Graham offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 21, Section 176.010, Line 6 of said page, by inserting after all of said line the following:

“Section 1. Missouri State University shall not seek the land grant designation held by Lincoln University and the University of Missouri nor shall Missouri State University seek the research designation currently held

by the University of Missouri. Missouri State University shall offer engineering programs and doctoral programs only in cooperation with the University of Missouri; provided that such cooperative agreements are approved by the governing boards of each institution and that in these instances the University of Missouri shall be the degree-granting institution. Should the University of Missouri decline to cooperate in the offering of such programs within one year of the formal approval of the coordinating board, Missouri State University may cooperate with another educational institution, or directly offer the degree. In all cases, the offering of such degree programs shall be subject to the approval of the coordinating board for higher education, or any other higher education governing authority that may replace it. Missouri State University may offer doctoral programs in audiology and physical therapy. Missouri State University shall neither offer nor duplicate the professional programs at the University of Missouri including, without limitation, those that train medical doctors, pharmacists, dentists, veterinarians, optometrists, lawyers, and architects. The alteration of the name of Southwest Missouri State University to Missouri State University shall not entitle Missouri State University to any additional state funding.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

Senator Graham offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 98, Page 1, Section A, Line 7, by inserting after all of said line the following:

“172.020. Pursuant to sections 9(a) and 9(b) of Article IX of the Missouri Constitution, the state university is hereby incorporated and created as a body politic and shall be known by the name of “The Curators of the University of Missouri”, and by that name shall have perpetual succession, power to sue and be sued, complain and defend in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and otherwise dispose of lands and chattels, except that the curators shall not have the power to subdivide, sell or convey title to any land contained within a university campus or to subdivide, sell or convey title to any portion of any parcel of land containing in excess of twenty-five hundred contiguous acres unless such transaction is approved by the general assembly by passage of a concurrent resolution signed by the governor. The curators shall not sell, trade or otherwise convey or permit the severance of timber, minerals or other natural resources, unless the curators comply with bidding procedures established by rule that mandate notice of the transaction be provided in a manner reasonably calculated to apprise prospective purchasers. Such rule or rules must at a minimum require at least one notice of the transaction be published in a newspaper of general circulation where the resources are located. The curators may act as trustee in all cases in which there be a gift of property or property left by will to the university or for its benefit or for the benefit of students of the university; to condemn an appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in chapter 523, RSMo, relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes; provided, that if the curators so elect, no assessment of damages or compensation under this law shall be payable and no execution shall issue before the expiration of sixty days after the adjournment of the next regular session of the legislature held after such assessment is made, but the same shall bear interest at the rate of six percent per annum from its date until paid; and provided further, that the curators may, at any time, elect to abandon the proposed appropriation of property by an instrument of writing to that effect, to be filed with the clerk of the court and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages or compensation shall be void.” and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SS for SCS for SB 98**, as amended, be adopted, which motion prevailed.

Senator Champion moved that **SS for SCS for SB 98**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Nodler, Scott and Shields.

SS for SCS for SB 98, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Dolan	Engler
Gibbons	Green	Griesheimer	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Taylor	Wilson—23	

NAYS—Senators

Bray	Crowell	Days	Graham
Gross	Stouffer	Vogel—7	

Absent—Senators

Dougherty	Wheeler—2
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Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Shields, the Senate adjourned until 12:00 Noon, Tuesday, February 15, 2005.SENATE
CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 15, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Shields
SB 322-Bartle
SB 323-Bartle
SB 324-Scott
SB 325-Bray, et al
SB 326-Nodler
SB 327-Scott

SB 329-Coleman
SB 331-Coleman
SB 332-Crowell
SB 333-Green
SB 334-Green

SB 335-Dougherty
SB 336-Dougherty and Dolan
SB 337-Crowell
SB 338-Gross
SB 339-Gross
SB 340-Kennedy and Koster
SB 341-Bartle
SB 342-Bartle
SB 343-Bartle, et al
SB 344-Wheeler
SB 345-Vogel
SB 346-Clemens
SB 347-Clemens and Taylor
SB 348-Clemens
SB 349-Green, et al
SB 350-Wilson
SJR 14-Klindt
SJR 15-Coleman
SJR 16-Gross
SJR 17-Crowell

THIRD READING OF SENATE BILLS

SCS for SBs 202, 33, 45, 183 &
217-Crowell

SENATE BILLS FOR PERFECTION

SB 270-Scott, et al, with SCS
SB 225-Cauthorn, with SCS

SB 210-Griesheimer, with SCS
SJR 1-Klindt

CONSENT CALENDAR

Senate Bills

SB 24-Griesheimer, with SCS
SB 69-Shields and Wheeler, with SCS
SB 70-Shields, with SCS
SB 86-Crowell
SB 99-Champion
SB 174-Vogel
SB 206-Champion
SB 148-Nodler
SB 122-Nodler, with SCS
SB 178-Shields
SB 180-Loudon, et al
SB 141-Nodler

SB 100-Champion, with SCS
SB 71-Griesheimer
SB 21-Shields
SB 162-Gross
SB 165-Bartle
SB 123-Bartle
SB 149-Nodler
SB 189-Gross
SB 13-Kennedy, et al
SB 171-Purgason
SJR 8-Bartle
SB 36-Nodler

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 15, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let those suffering in accordance with God’s will entrust themselves to a faithful Creator, while continuing to do good.” (1 Peter 4:19)

O Blessed God, You know that many times we receive criticism and misunderstanding while we attempt to do the good that You have given us the ability to perform. So we pray strengthen us through this long day as we pursue to do Your will doing good despite how tired we may be and the difficulties we will encounter. And, help us pass on some of that caring to others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators —
None

The Lieutenant Governor was present.

President Kinder assumed the Chair.

Senator Koster assumed the Chair.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 314, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert T. Holt, Rolla, which was adopted.

Senator Wilson offered Senate Resolution No. 315, regarding the late David Shapiro, Kansas City, which was adopted.

Senator Gibbons offered Senate Resolution No. 316, regarding Frank J. Gregg, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 317, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Jim Friedrich, Boonville, which was adopted.

Senator Crowell offered Senate Resolution No. 318, regarding Gavin Flentge, Perryville, which was adopted.

Senator Mayer offered Senate Resolution No. 319, regarding George Hensel, IV, Piedmont, which was adopted.

Senator Ridgeway offered Senate Resolution No. 320, regarding Probation and Parole Officer II Karol Hughes, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 351—By Ridgeway and Gibbons.

An Act to repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to minor in possession based on blood alcohol content, with penalty provisions.

SB 352—By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for child care, with an effective date.

SB 353—By Gibbons.

An Act to repeal section 208.574, RSMo, and to enact in lieu thereof one new section relating to the expiration of the Missouri senior Rx program, with an expiration date.

SB 354—By Griesheimer.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to state enforcement of certain federal orders prohibiting the operation of commercial motor vehicles.

SB 355—By Griesheimer.

An Act to repeal section 311.554, RSMo, and to enact in lieu thereof fifteen new sections relating to the Missouri wine and grape board.

SB 356—By Shields.

An Act to repeal section 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof three new sections relating to intoxication-related traffic offenses, with penalty provisions.

SB 357—By Shields.

An Act to repeal sections 86.370, 86.373, 86.374, 86.377, 86.380, 86.383, 86.387, 86.390, 86.393, 86.394, 86.397, 86.398, 86.400, 86.403, 86.407, 86.410, 86.413, 86.417, 86.420, 86.423, 86.427, 86.430, 86.433, 86.434, 86.437, 86.440, 86.441, 86.442, 86.443, 86.445, 86.447, 86.450, 86.453, 86.457, 86.460, 86.463, 86.467, 86.470, 86.473, 86.477, 86.480, 86.483, 86.487, 86.490, 86.493, 86.497, 86.600, 86.610, 86.611, 86.620, 86.630, 86.640, 86.650,

86.660, 86.665, 86.670, 86.671, 86.672, 86.675, 86.676, 86.680, 86.690, 86.700, 86.710, 86.720, 86.730, 86.740, 86.745, 86.750, 86.760, 86.770, 86.780, and 86.790, RSMo, and to enact in lieu thereof seventy-three new sections relating to Kansas City police retirement.

SB 358—By Taylor.

An Act to repeal sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, and to enact in lieu thereof four new sections relating to tourism community enhancement districts.

SB 359—By Taylor.

An Act to repeal sections 192.665 and 192.667, RSMo, and to enact in lieu thereof two new sections relating to health care data collection and reporting, with penalty provisions.

SB 360—By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 98**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 321—Aging, Families, Mental and Public Health.

SB 322—Judiciary and Civil and Criminal Jurisprudence.

SB 323—Aging, Families, Mental and Public Health.

SB 324—Financial and Governmental Organizations and Elections.

SB 325—Judiciary and Civil and Criminal Jurisprudence.

SB 326—Economic Development, Tourism and Local Government.

SB 327—Transportation.

SB 329—Financial and Governmental Organizations and Elections.

SB 331—Aging, Families, Mental and Public Health.

SB 332—Economic Development, Tourism and Local Government.

SB 333—Agriculture, Conservation, Parks and Natural Resources.

SB 334—Small Business, Insurance and Industrial Relations.

SB 335—Governmental Accountability and Fiscal Oversight.

SB 336—Education.

SB 337—Pensions, Veterans' Affairs and General Laws.

SB 338—Ways and Means.

SB 339—Ways and Means.

SB 340—Transportation.

SB 341—Aging, Families, Mental and Public Health.

SB 342—Judiciary and Civil and Criminal Jurisprudence.

SB 343—Ways and Means.

SJR 14—Agriculture, Conservation, Parks and Natural Resources.

SJR 15—Education.

SJR 16—Judiciary and Civil and Criminal Jurisprudence.

SJR 17—Education.

RE-REFERRALS

President Pro Tem Gibbons re-referred the following Bills: **SB 313** to the Committee on Transportation; **SB 314** to the Committee on Transportation; and **SB 315** to the Committee on Aging, Families, Mental and Public Health.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 14, 2005

Mrs. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO

Dear Terry:

Effective Monday, February 14, 2005 the location of the Committee on Agriculture, Conservation, Parks and Natural Resources will permanently change to the Senate Lounge.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, fifty Registered Nursing students and instructors from North Central Missouri College, Trenton.

Senator Engler introduced to the Senate, Breana Uzzell, Cory Rice and Gary Bierman, Ste. Genevieve.

Senator Mayer introduced to the Senate, Karmen Foster and Shannon Rahm, Poplar Bluff.

Senator Kennedy introduced to the Senate, Jan Polizzi, St. Louis.

Senator Engler introduced to the Senate, Sue Davis, Ted Banta, Dan Pattengill, Rhonda Schwartz and Ruth Wisdom, Windsor.

Senator Gibbons introduced to the Senate, members of National Association of Women Business Owners.

Senator Gibbons introduced to the Senate, six hundred members of the Missouri Nurses Association.

Senator Stouffer introduced to the Senate, Anthony Johnston, Excelsior Springs.

Senator Purgason introduced to the Senate, Joe Barnard, West Plains; and Dr. Becky Crocker, Mychelle Gaynor, Jessica Enneking, Scott Dye and Jeremy Mahy.

Senator Shields introduced to the Senate, Earl Soetaert, St. Joseph; and David Mason, Smithville.

Senator Griesheimer introduced to the Senate, students from Immaculate Conception Catholic School, Union.

Senator Taylor introduced to the Senate, Tom Buxton and Hannah Jones, Springfield; Whitney Hussey, Carthage; and Neil Yust, Joplin.

Senator Scott introduced to the Senate, Anna Schulte, Abbie Brown, Alice Lasco and Becky Payne McClanahan from Truman State University, School of Nursing, Kirksville.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Michael Burns, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY–WEDNESDAY, FEBRUARY 16, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 344-Wheeler

SB 345-Vogel

SB 346-Clemens

SB 347-Clemens and Taylor

SB 348-Clemens

SB 349-Green, et al

SB 350-Wilson

SB 351-Ridgeway and Gibbons

SB 352-Stouffer

SB 353-Gibbons

SB 354-Griesheimer

SB 355-Griesheimer

SB 356-Shields

SB 357-Shields

SB 358-Taylor
SB 359-Taylor
SB 360-Bray

THIRD READING OF SENATE BILLS

SCS for SBs 202, 33, 45, 183 &
217-Crowell

SS for SCS for SB 98-Champion

SENATE BILLS FOR PERFECTION

SB 270-Scott, et al, with SCS
SB 225-Cauthorn, with SCS

SB 210-Griesheimer, with SCS
SJR 1-Klindt

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 24-Griesheimer, with SCS
SB 69-Shields and Wheeler, with SCS
SB 70-Shields, with SCS
SB 86-Crowell
SB 99-Champion
SB 174-Vogel
SB 206-Champion
SB 148-Nodler
SB 122-Nodler, with SCS
SB 178-Shields
SB 180-Loudon, et al
SB 141-Nodler
SB 100-Champion, with SCS

SB 71-Griesheimer
SB 21-Shields

SB 162-Gross
SB 165-Bartle
SB 123-Bartle
SB 149-Nodler
SB 189-Gross
SB 13-Kennedy, et al
SB 171-Purgason
SJR 8-Bartle
SB 36-Nodler

RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 16, 2005

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“Great peace have those who love your law; nothing can make them stumble.” (Psalm 119:165)

O God, King of the Universe, You have given Your law to assist us to live abundantly and fully each day. Many of the laws we attempt to write flow from Your law in order to help protect life and harmony among our people. Your graciousness blesses us to meet the challenge this day brings to us; so help us to remain faithful to You and Your law. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 321, regarding Sheldon Scott Price, Poplar Bluff, which was adopted.

Senator Clemens offered Senate Resolution No. 322, regarding the Ninetieth Birthday of Lloyd Thrasher, Anderson, which was adopted.

Senator Shields offered Senate Resolution No. 323, regarding Sean David Huntley, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 324, regarding Spencer Preston Harris, Platte City, which was adopted.

Senator Champion offered Senate Resolution No. 325, regarding Joseph William (Joey) Seagrave, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 326, regarding George and Jan Syrigos, Meta, which was adopted.

Senator Taylor offered Senate Resolution No. 327, regarding Melissa Albright, Branson, which was adopted.

Senator Stouffer offered Senate Resolution No. 328, regarding the commissioners and citizens of Lafayette County, which was adopted.

Senator Stouffer offered Senate Resolution No. 329, regarding the Eightieth Birthday of Emma Hobbs, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 330, regarding Mr. and Mrs. James Jonathen Griggs, which was adopted.

Senator Stouffer offered Senate Resolution No. 331, regarding Gil Rector, which was adopted.

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 332

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and nine division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
6	Staff Attorney II	3,151 - 4,654
2	Research Analyst IV	3,151 - 4,654
1	Investigator	2,923 - 4,281
4	Research Staff Secretary	2,437 - 3,463
4	Budget Research Analyst III	3,340 - 4,855
1	Budget Staff Secretary	2,437 - 3,463
1	Economist	3,340 - 4,855
4	Assistant Secretary of Senate	2,616 - 3,709
2.5	Enrolling & Engrossing Clerk	2,161 - 3,037

1	Billroom Supervisor	2,161 - 3,037
1	Billroom Clerk	1,856 - 2,472
2	Public Information Specialist I	2,161 - 3,037
3	Public Information Specialist II	2,437 - 3,473
1	Photographer	2,437 - 3,473
1	Administrative Assistant	1,600 - 5,823
1	Telecommunications Coordinator	2,715 - 3,863
2.5	Accounting Specialist	2,437 - 3,463
1	Human Resources Specialist	2,437 - 3,463
6.5	Administrative Secretary	2,616 - 3,709
3.5	Clerical Assistant	2,355 - 3,340
1	Messenger	1,713 - 2,265
1	Data Control Coordinator	2,437 - 3,463
3	Computer Info. Technology Spec. I	3,473 - 5,066
2	Computer Info. Technology Spec. II	4,025 - 5,762
3	Computer Info. Technologist II	2,816 - 4,025
1	Network/Communications Specialist	3,473 - 5,066
2	Data Entry Operator III	1,960 - 2,667
2	Composing Equipment Operator III	2,089 - 3,151
0.5	Mailroom Supervisor	2,161 - 3,037
1	Printing Services Technician I	1,661 - 2,155
3	Printing Services Technician II	1,856 - 2,472
3	Printing Services Technician III	2,023 - 2,765
1	Maintenance Supervisor	2,273 - 3,151
1	Carpenter II	2,161 - 3,037
1	Maintenance Worker	1,856 - 2,472
0.5	Sergeant at Arms (Elected)	2,337 - 3,373

0.5	Doorkeeper (Elected)	1,451 - 2,172
3.5	Assistant Doorkeeper	1,521 - 1,916
0.5	Reading Clerk	1,521 - 1,916
0.5	Chaplain	857 - 1,133
0.5	Security Guard	1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2006.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 333

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m to 7:00 p.m. on October 1, 2005 for the purpose of a citizenship assembly and workshop.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 333** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 333** was adopted.

Senators Gross and Dolan offered Senate Resolution No. 334, regarding Emil Hitt, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 335, regarding the Community Council of St. Charles County, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 336, regarding the Hessler Foundation, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 337, regarding Kevin Kast, St. Charles, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 338, regarding Maggie Menefee, St. Charles, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 339, regarding the State Representative Scott Rupp, Wentzville, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 340, regarding the St. Charles County Suburban Journals, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 341, regarding the Reverend Richard Joseph Tillman, St. Charles, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 342, regarding Linda Roebuck, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 343, regarding the Gateway Chapter of Mothers Against Drunk Driving, which was adopted.

CONCURRENT RESOLUTIONS

Senators Ridgeway, Gibbons, Shields, Loudon, Kennedy, Clemens, Coleman, Griesheimer, Taylor, Engler, Scott, Champion, Days, Stouffer, Dougherty, Wheeler and Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

WHEREAS, obesity among the children of Missouri is at epidemic stages and can lead to poor health conditions and chronic diseases, such as heart disease, stroke, diabetes, and cancer; and

WHEREAS, Medicaid and other health care costs are escalating in Missouri and are significantly impacted by obesity; and

WHEREAS, schools shall make food and beverage choices available through school breakfast, lunch, and special events that provide alternatives to snacks and beverages that have a high sugar content; and

WHEREAS, good nutrition and adequate physical activity help children grow, develop, and do well in school; and

WHEREAS, school-based health education and physical education programs teach young people to acquire and use healthy eating habits and an active lifestyle; and

WHEREAS, healthy bodies and minds are major contributors to readiness to learn, to improved school attendance, and to improved performance in sports and other extracurricular activities; and

WHEREAS, fresh and wholesome foods produced in Missouri should be available and promoted actively in a healthy environment; and

WHEREAS, the General Assembly needs to identify long-term strategies to reduce the need for public assistance programs and to lower health care costs related to chronic diseases and poor health:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby supports implementation of school policies that ensure a healthy environment in our schools by increasing the physical education requirements for kindergarten through twelfth grade. This requirement would ensure daily physical education for kindergarten through eighth grade and increase the high school requirement to a minimum of two credits; and

BE IT FURTHER RESOLVED that the Missouri General Assembly encourages local school districts to offer nutritious food and beverage choices and provide opportunities for physical activity throughout the day with recess and after-school programs; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Director of the Missouri Department of Elementary and Secondary Education and that the Director of the Department of Elementary and Secondary Education distribute a copy to every school district in Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 361—By Stouffer.

An Act to repeal section 94.070, RSMo, and to enact in lieu thereof one new section relating to maximum levies for special purposes.

SB 362—By Stouffer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

SB 363—By Kennedy, Green, Loudon, Scott, Shields and Callahan.

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to children's health insurance program.

SB 364—By Purgason.

An Act to authorize the board of governors of Southwest Missouri State University to convey property in Howell County, with an emergency clause.

SB 365—By Mayer, Shields, Gibbons, Dolan, Ridgeway, Griesheimer, Nodler, Taylor, Koster, Wheeler and Days.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for clinical trials.

SB 366—By Wheeler.

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to designation of next-of-kin for deceased persons.

THIRD READING OF SENATE BILLS

SCS for **SBs 202, 33, 45, 183** and **217**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 202, 33, 45, 183 & 217 An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement, with an emergency clause.

Was taken up by Senator Crowell.

On motion of Senator Crowell, **SCS** for **SBs 202, 33, 45, 183** and **217** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Griesheimer

Gross—2

Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 98**, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 98

An Act to repeal sections 172.020, 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof sixteen new sections relating to state institutions of higher education.

Was taken up.

President Kinder in the Chair.

On motion of Senator Champion, **SS** for **SCS** for **SB 98** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Taylor	Wheeler
Wilson—25			

NAYS—Senators

Bray	Crowell	Days	Graham
Gross	Stouffer	Vogel—7	

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 270**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.440, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof fifteen new sections relating to the state treasurer, with penalty provisions.

Was taken up.

Senator Griesheimer assumed the Chair.

Senator Scott moved that **SCS** for **SB 270** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 270, Page 10, Section 30.440, Line 5, by deleting the comma after the word “thereof” and inserting a period; and further amend by deleting the remainder of line 5, as well as lines 6 through 9.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 270, Page 25, Section 30.860, Line 80, by inserting after all of said line the following:

“Section 1. 1. There is hereby created in the state treasury the “State Treasurer’s General Operations Fund” which shall receive deposits, make disbursements and be administered in compliance with the provisions of this section.

2. Subject to appropriation, moneys in the state treasurer’s general operations fund shall be used solely to pay for personal service, equipment and other expenses of the state treasurer related to the state treasurer’s constitutional and statutory responsibilities, exclusive of any personal service, equipment and other expenses attributable to positions wholly dedicated to the functions described in chapter 447, RSMo. The commissioner of administration shall review and approve all requests of the state treasurer of disbursements from the state treasurer’s general operations fund for compliance with the provisions of this section. Nothing in this section shall be deemed to prevent the general assembly from making appropriations to the state treasurer from other permissible sources.

3. Notwithstanding any other provisions of law to the contrary, moneys shall be deposited in the state treasurer’s general operations fund and administered in accordance with the following provisions:

(1) On a daily basis, the state treasurer shall apportion any interest or other increment derived from the investment of funds in an amount proportionate to the average daily balance of funds in the state treasury. The state treasurer shall use a method in accordance with generally accepted accounting principles in apportioning and distributing that interest or increment. Prior to distributing that interest or increment, the state treasurer shall deduct the costs incurred by the state treasurer in administering this chapter in proportion to the average daily balance of the amounts deposited to each fund in the state treasury. The state treasurer shall then deposit

the identified portion of the daily interest receipts in the “State Treasurer’s General Operations Fund”. All other remaining interest received on the investment of state funds shall be allocated and deposited to funds within the state treasury as required by law.

(2) The total costs for personal service, equipment and other expenses of the state treasurer related to the state treasurer’s constitutional and statutory responsibilities, exclusive of any personal service, equipment and other expenses attributable to positions wholly dedicated to the functions described in chapter 447, RSMo, and any banking fees and other banking-related costs, shall not exceed ten basis points, or one-tenth of one percent, of the total of the average daily fund balance of funds within the state treasury.

4. Notwithstanding the provisions of section 33.080, RSMo, moneys in the “State Treasurer’s General Operations Fund” shall not lapse to the general revenue fund at the end of the biennium unless and only to the extent to which the amount in the fund exceeds the annual appropriations from the fund for the current fiscal year.

Section B. Because of the need to provide consistent funding to the State Treasurer’s Office to allow the office’s primary functions to proceed in a timely and efficient manner, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 270, Page 18, Section 30.758, Line 2, by inserting after all of said line the following:

“2. The state treasurer shall ensure that at least five percent of the linked deposit loan packages that are accepted shall be placed with eligible lending institutions that shall make the linked deposit loan to a minority or female-owned eligible multitenant enterprise, eligible farming operation, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower or eligible water supply system.”; and

Further renumber the remaining subsections and intersectional references accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 270, Pages 9 and 10, Section 30.286, Lines 1-14, by deleting all of said lines.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Koster offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 270, Page 20, Section 30.760, Line 10, by inserting after the word “interest” the following: **“set at an amount equal to the amount reduced in section 30.758, and otherwise available”**; and further amend said section, page and line by striking the words “which is below the present borrowing rate applicable”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS for SB 270**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for SB 270**, as amended, was declared perfected and ordered printed.

Senator Vogel requested unanimous consent of the Senate to correct the Ways and Means Committee report on **SB 13**, which request was granted.

Mr. President: Your Committee on Ways and Means, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 14, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gordon A. Elliott, Republican, 900 East Portland, Springfield, Greene County, Missouri 65807, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Barbara D. Burns, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark S. Wasinger, Democrat, 224 Rolling Meadows, Hannibal, Marion County, Missouri 63401, as a member of the Truman State University Board of Governors, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, John Briscoe, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 16, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark A. Fohey, Democrat, 8760 County Road 422, Hannibal, Marion County, Missouri 63401, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Ernie Brown, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 16, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William J. Luetkenhaus, Democrat, 742 Hancock Road, Saint Charles County, Missouri 63885, as a member of the Missouri Housing Development

Commission, for a term ending October 13, 2007, and until his successor is duly appointed and qualified; vice, Patricia A. Allen, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 16, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Homer R. Thompson, D.C., 910 Saint Andrews Circle, Springfield, Greene County, Missouri 65809, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending February 15, 2009, and until his successor is duly appointed and qualified; vice, Larry Lovejoy, term expired.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 367—By Cauthorn.

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to state employees.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 344, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glenn Kahle, New Franklin, which was adopted.

Senator Stouffer offered Senate Resolution No. 345, regarding the Thirtieth Wedding Anniversary of Mr. and Mrs. Steve Harmon, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 346, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Taylor, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 347, regarding Mr. and Mrs. Anthony Goolsby, Jr., which was adopted.

Senator Stouffer offered Senate Resolution No. 348, regarding Mr. and Mrs. Daniel Davis, Springfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 349, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cedric Quinley, New Franklin, which was adopted.

Senator Stouffer offered Senate Resolution No. 350, regarding Mr. and Mrs. Neil Blalock, which was adopted.

COMMUNICATIONS

Senator Graham submitted the following:

Feb. 16, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Room 325

Jefferson City, Missouri 65101

Dear Ms. Spieler -

I object to Senate Bill 36 being placed on the Senate Consent Calendar as reported in the Senate Journal of Feb. 14, 2005. I believe it to be of a controversial

nature.

I ask that the bill be returned to the Senate Education Committee, which reported the bill out with consent status.

In Gratitude,

/s/ Chuck Graham

Sen. Chuck Graham

District 19

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Nancy Reid, Bosworth.

Senator Purgason introduced to the Senate, students from Southwest Missouri State University, West Plains Campus; Heather Mullanack, Drury; Shanna Brixey, Norwood; Jessica Williams, Ava; Cody Weeks, West Plains; Cody McCleary, Mansfield; Aaron Walsh, St. James; and Jeremy Robinett, Cape Girardeau.

Senator Ridgeway introduced to the Senate, Linda Engelmann, Liberty.

Senator Klindt introduced to the Senate, Skyler Blattner and Meredith Black, Trenton; Jake Gardner, Gallatin; and Lyndsey Arnold, Osborn.

Senator Taylor introduced to the Senate, Melissa and Garret Albright, Ozark.

Senator Scott introduced to the Senate, Dr. Marsha Drennon, President, State Fair Community College; and Mary McIntosh, Leslie Hill and Michael Desmon, Sedalia.

Senator Mayer introduced to the Senate, Sheri Henrichs, Poplar Bluff; Cindy Robinett, Dexter; Walt Pressor, a student from University of Missouri, Kansas City; and Suzanne Smith, West Plains.

On behalf of Senator Bartle, the President introduced to the Senate, his mother, Kay Bartle, Chesterfield; and the Physician of the Day, Dr. Julie Wood, M.D., Lee's Summit.

Senator Cauthorn introduced to the Senate, Brandon Mundle, Emma Hayden, Zane Bright, Ariana Galluzzio, Dave Christison, Stacy Gruchalla, Eric Mitchell, Summer Thomas, Henry Sweets IV, Caryn Lippincott, Debbie Francis and Julie Bright, Hannibal.

Senator Dougherty introduced to the Senate, Alderwoman Donna Baringer, St. Louis.

Senator Cauthorn introduced to the Senate, Betsy Barnes, Lisa Winner, Brent Moore, Lexi Heidecker, Michelle Young and Jeremy Grote, Bowling Green.

Senator Cauthorn introduced to the Senate, Melody and Ron Whitacre and their children, Lydia, Laura and Andrew, Glenwood.

Senator Shields introduced to the Senate, Mark Frost, Jennifer Corum and Lucille and Jerry Luke, Park Hill.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 17, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 344-Wheeler

SB 345-Vogel

SB 346-Clemens

SB 347-Clemens and Taylor
SB 348-Clemens
SB 349-Green, et al
SB 350-Wilson
SB 351-Ridgeway and Gibbons
SB 352-Stouffer
SB 353-Gibbons
SB 354-Griesheimer
SB 355-Griesheimer, et al

SB 356-Shields
SB 357-Shields
SB 358-Taylor
SB 359-Taylor
SB 360-Bray
SB 361-Stouffer
SB 362-Stouffer
SB 363-Kennedy, et al
SB 364-Purgason
SB 365-Mayer, et al
SB 366-Wheeler
SB 367-Cauthorn

SENATE BILLS FOR PERFECTION

SB 225-Cauthorn, with SCS
SB 210-Griesheimer, with SCS
SJR 1-Klindt

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 24-Griesheimer, with SCS
SB 69-Shields and Wheeler, with SCS
SB 70-Shields, with SCS
SB 86-Crowell
SB 99-Champion
SB 174-Vogel
SB 206-Champion
SB 148-Nodler
SB 122-Nodler, with SCS
SB 178-Shields

SB 180-Loudon, et al
SB 141-Nodler

SB 100-Champion, with SCS
SB 71-Griesheimer
SB 21-Shields
SB 162-Gross
SB 165-Bartle
SB 123-Bartle
SB 149-Nodler
SB 189-Gross
SB 13-Kennedy, et al, with SCS
SB 171-Purgason
SJR 8-Bartle

RESOLUTIONS

SR 332-Shields

To be Referred

SCR 4-Ridgeway, et al

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 17, 2005

The Senate met pursuant to adjournment.

Senator Mayer in the Chair.

Reverend Carl Gauck offered the following prayer:

“O taste and see that the Lord is good; happy are those who take refuge in him.” (Psalm 34:8)

Our Father, You continue to provide us what we need, food for our bodies, work for our minds and love for our hearts for which we are truly grateful. As we finish up our work this day and return to those who love us may we truly express this gratitude to them and to You this weekend in the various ways You provide us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

RESOLUTIONS

Senator Shields offered Senate Resolution No. 351, regarding Sawyer Daniel Breslow, Platte City, which was adopted.

Senator Shields offered Senate Resolution No. 352, regarding Mathew Kuehl, Platte City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 353, regarding Brenda Burchett, Smithville, which was adopted.

Senator Shields offered Senate Resolution No. 354, regarding Lindsey Williams, Saint Joseph, which was adopted.

Senator Nodler offered Senate Resolution No. 355, regarding Harold McCoy, Joplin, which was adopted.

Senator Graham offered Senate Resolution No. 356, regarding Curtis Lane Brown, Columbia, which was adopted.

Senator Klindt offered Senate Resolution No. 357, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. O.C. Steele, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 358, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Roberts, Rea, which was adopted.

Senator Klindt offered Senate Resolution No. 359, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Sorenson, Bethany, which was adopted.

Senator Crowell offered Senate Resolution No. 360, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Telker, which was adopted.

Senator Crowell offered Senate Resolution No. 361, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Kester, Jackson, which was adopted.

Senator Shields moved that **SR 332** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 332** was adopted.

President Kinder assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 368—By Dougherty, Bray, Days, Wilson, Coleman, Wheeler and Kennedy.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to Medicaid benefits.

SB 369—By Dougherty, Bray, Days, Wilson, Coleman, Wheeler and Kennedy.

An Act to repeal section 376.1209, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mastectomy.

SB 370—By Dougherty, Bray, Days, Coleman, Wheeler, Wilson and Kennedy.

An Act to repeal section 375.001, RSMo, and to enact in lieu thereof two new sections relating to prohibiting certain insurance companies from canceling or nonrenewing insurance policies for claim inquiries, with penalty provisions.

SB 371—By Dolan and Bray.

An Act to repeal section 21.145, RSMo, and to enact in lieu thereof two new sections relating to members of the general assembly.

SB 372—By Engler, Taylor and Griesheimer.

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety, with penalty provisions.

SB 373—By Bartle.

An Act to repeal section 287.905, RSMo, and to enact in lieu thereof one new section relating to appointment of new directors to the board of the Missouri employers mutual insurance company.

SB 374—By Loudon and Bray.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

SB 375—By Loudon.

An Act to repeal section 104.1090, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for state employees who are military veterans.

SB 376—By Loudon.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to private contractor liability.

SB 377—By Loudon and Gibbons.

An Act to repeal section 340.216, RSMo, and to enact in lieu thereof one new section relating to the practice of veterinary medicine.

SB 378—By Coleman.

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs.

SB 379—By Coleman, Wheeler, Days, Graham, Bray and Wilson.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to the compassionate assistance for rape emergencies act, with penalty provisions.

SJR 18—By Bartle, Shields and Nodler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri, and adopting one new section relating to the power to determine public school funding.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 16, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Julia M. Eckstein, 1311 Colby Drive, Saint Peters, Saint Charles County, Missouri 63376, as the Director of the Department of Health and Senior Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Richard C. Dunn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 16, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William G. Gillespie, Independent, 7328 Ravinia Drive, Saint Louis, Saint Louis County, Missouri 63121, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2010, and until his successor is duly appointed and qualified; vice, William G. Gillespie, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 17, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of William J. Luetkenhaus to the Missouri Housing Development Commission submitted on February 16, 2005. Line 1 should be amended as follows:

“William J. Luetkenhaus, Democrat, 742 Hancock Road, Wentzville, Saint Charles”

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 393**, entitled:

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 510.340, 514.060, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225, 538.230, and 538.300, RSMo, and to enact in lieu thereof twenty-three new sections relating to claims for damages and the payment thereof.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 441**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SCR 4** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Linda A. Englemann and Linda R. Curbow, as members of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Michelle T. Esswein, as a member of the Missouri Women's Council;

Also,

Charity F. Shelton, as a member of the Missouri Head Injury Advisory Council;

Also,

Richard P. Phillips, as a member of the Central Missouri State University Board of Governors;

Also,

Kathryn J. Swan, as a member of the Coordinating Board for Higher Education;

Also,

Arlene V. McClendon, as a member of the State Board of Barber Examiners;

Also,

Carol Ann Freeman, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Christel H. Johnson, as a member of the Advisory Council for Professional Physical Therapists;

Also,

James M. Harig, as a member of the Amusement Ride Safety Board;

Also,

Cynthia Webb Bald, as a member of the State Board of Cosmetology;

Also,

Teri A. Murray, R.N., Ph.D., as a member of the Missouri State Board of Nursing.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 122**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SJR 8**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 13**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 148**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 206**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 270**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the

printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 270** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 225**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 225

An Act to repeal sections 260.262, 260.274, 260.342, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, and 260.569, RSMo, and to enact in lieu thereof ten new sections relating to hazardous waste.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 225** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **SB 225**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 225

An Act to repeal sections 260.200, 260.262, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.342, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, and 260.569, RSMo, and to enact in lieu thereof eighteen new sections relating to hazardous waste, with penalty provisions.

Senator Cauthorn moved that **SS** for **SCS** for **SB 225** be adopted.

Senator Mayer assumed the Chair.

Senator Vogel offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 225, Pages 37 and 38, Section 260.389, Line 29 of page 37 through lines 14 of page 38, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Vogel moved that the above amendment be adopted.

At the request of Senator Cauthorn, **SB 225**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Graham offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 362

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State residents who have devoted their time, energy, knowledge, and skills to improving the quality of life in local communities and neighborhoods through the excellence of their endeavors in the field of public safety; and

WHEREAS, Curtis Lane Brown has attained considerable distinction as a police officer who has served the citizens of Columbia, Missouri, since July 17, 2000, with courage and valor; and

WHEREAS, officer Curtis Brown was injured in the line of duty on January 11, 2005, when he was shot by the fleeing subject of an extensive manhunt who was suspected of critically injuring another police officer the previous day during a routine traffic stop; and

WHEREAS, despite his injuries, officer Curtis Brown subsequently joined a blood drive on January 17, 2005, to assist his wounded colleague, Molly Bowden; and

WHEREAS, holder of an Associate's degree from ITT Technical Institute, officer Curtis Brown brings to his professional labors with the Columbia Police Department a wealth of knowledge and experience which he garnered as a Sergeant with the United States Army during a tour of duty from 1989 to 1994 and as a Corrections Officer with the Missouri Department of Corrections from 1997 to 2000; and

WHEREAS, officer Curtis Brown is a member of the Columbia Black Officers Association who received a Notice of Favorable Occurrence from the Columbia Police Department commending his role in the apprehension of an armed robber and a letter of thanks from the Chief Executive Officer at Mid-Mo Mental Health Center for his help in calming a dangerous patient; and

WHEREAS, officer Curtis Brown is the son of the late Robert C. White and the late Ann E. Brown and the youngest of ten siblings who include brothers Terry, William, Cale, Delton, and Donald and sisters Valerie, Dana, Juanita, and Katherine:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the courage, training, professionalism, and community spirit evinced in the life and work of police officer Curtis Brown and to convey to him this legislative body's most heartfelt commendation of his selfless actions in the apprehension of the suspect in the shooting of a fellow police officer and our sincerest best wishes for a speedy and complete recovery from his injuries; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Curtis Lance Brown of Columbia, Missouri.

President Pro Tem Gibbons assumed the Chair.

Senator Kennedy offered Senate Resolution No. 363, regarding Daniel L. Parker, Saint Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 364, regarding Kyle Anthony Stamper, Grain Valley, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 138**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 344—Judiciary and Civil and Criminal Jurisprudence.

SB 345—Small Business, Insurance and Industrial Relations.

SB 346—Agriculture, Conservation, Parks and Natural Resources.

SB 347—Aging, Families, Mental and Public Health.

SB 348—Financial and Governmental Organizations and Elections.

SB 349—Small Business, Insurance and Industrial Relations.

SB 350—Judiciary and Civil and Criminal Jurisprudence.

SB 351—Judiciary and Civil and Criminal Jurisprudence.

SB 352—Ways and Means.

SB 353—Aging, Families, Mental and Public Health.

SB 354—Transportation.

SB 355—Financial and Governmental Organizations and Elections.

SB 356—Judiciary and Civil and Criminal Jurisprudence.

SB 357—Pensions, Veterans' Affairs and General Laws.

SB 358—Financial and Governmental Organizations and Elections.

SB 359—Aging, Families, Mental and Public Health.

SB 360—Ways and Means.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 17, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Tourism Commission

Dear Terry:

Pursuant to Section 620.455 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Tourism Commission:

Senator Chuck Gross

Senator Maida Coleman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Mayer introduced to the Senate, Bud Hunt, Kennett.

Senator Cauthorn introduced to the Senate, Jeff Hedberg, Centralia; and Linda Geist and Heather Hogg, Monroe City.

Senator Engler introduced to the Senate, Susan Morton, Farmington.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Fred Hahn, M.D., Independence.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 21, 2005.

SENATE CALENDAR

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 21, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 361-Stouffer

SB 362-Stouffer

SB 363-Kennedy, et al

SB 364-Purgason

SB 365-Mayer, et al

SB 366-Wheeler
SB 367-Cauthorn
SB 368-Dougherty, et al
SB 369-Dougherty, et al
SB 370-Dougherty, et al

SB 371-Dolan and Bray
SB 372-Engler, et al
SB 373-Bartle
SB 374-Loudon and Bray
SB 375-Loudon
SB 376-Loudon
SB 377-Loudon and Gibbons
SB 378-Coleman
SB 379-Coleman, et al
SJR 18-Bartle, et al

HOUSE BILLS ON SECOND READING

HCS for HB 393

HCS for HB 441

THIRD READING OF SENATE BILLS

SCS for SB 270-Scott, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 210-Griesheimer, with SCS
SJR 1-Klindt
SB 179-Griesheimer, et al, with SCS
SB 138-Wheeler, with SCS

SB 29-Dolan, with SCS
SB 32-Bartle, with SCS
SB 147-Cauthorn, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 225-Cauthorn, with SCS, SS for SCS &
SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 24-Griesheimer, with SCS
SB 69-Shields and Wheeler, with SCS
SB 70-Shields, with SCS
SB 86-Crowell
SB 99-Champion
SB 174-Vogel
SB 178-Shields
SB 180-Loudon, et al
SB 141-Nodler

SB 100-Champion, with SCS
SB 71-Griesheimer
SB 21-Shields
SB 162-Gross
SB 165-Bartle
SB 123-Bartle
SB 149-Nodler
SB 189-Gross
SB 171-Purgason

RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 21, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We cannot forget history...we will be remembered for good or for ill...we cannot escape the burden nor responsibility.” (Abraham Lincoln)

Gracious God, on this President’s Day we are mindful of how You have called forth leaders to take us through difficult times and how they are remembered today. Help us be ever mindful of the history we are making and the effect our actions have on the people we serve. Guide and direct our efforts this week and help us always lead with wisdom and discernment. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 17, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 365, regarding Mr. Kohta Fujiwara, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 366, regarding the birth of Jackson Lane Kouril, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 367, regarding the birth of Colt Van Meinershagen, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 368, regarding the birth of William Xander Fox Goon, Armstrong, which was adopted.

Senator Stouffer offered Senate Resolution No. 369, regarding the birth of Brooks Dean Kreisel, Grain Valley, which was adopted.

Senator Stouffer offered Senate Resolution No. 370, regarding the birth of Aiden Matthew Burnside, Independence, which was adopted.

Senator Stouffer offered Senate Resolution No. 371, regarding the birth of Nathan Andrew Cockrum, Lathrop, which was adopted.

Senator Stouffer offered Senate Resolution No. 372, regarding the birth of Richard Anthony Jackson, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 373, regarding the birth of Reidan Elleb Ivy Colon, New Franklin, which was adopted.

Senator Stouffer offered Senate Resolution No. 374, regarding the birth of Eathan Andrew Northern, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 375, regarding the birth of Haley Denyce White, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 376, regarding the birth of Oliver Wesley Marsh, Wichita, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 377, regarding the birth of Carson Joseph Henke, Centralia, which was adopted.

Senator Stouffer offered Senate Resolution No. 378, regarding the birth of Sydney Thi Kennedy, Independence, which was adopted.

Senator Stouffer offered Senate Resolution No. 379, regarding the birth of Isabella Carmen Haas, Blue Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 380, regarding the birth of Ariana Leann Lawson, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 381, regarding the birth of Justice LeAnne Oldham, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 382, regarding the birth of Ryan William Veach, Rayville, which was adopted.

Senator Stouffer offered Senate Resolution No. 383, regarding the birth of Evan Christopher Starr, Liberty, which was adopted.

Senator Stouffer offered Senate Resolution No. 384, regarding the birth of Victoria Lynn Buckner, Belton, which was adopted.

Senator Kennedy offered Senate Resolution No. 385, regarding Steve Reinhold, Oakville, which was adopted.

Senator Kennedy offered Senate Resolution No. 386, regarding Fern de Greeff, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 387, regarding John L. Hendrickson, Chesterfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 388, regarding Phillip Edmond, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 389, regarding the Ninetieth Birthday of Helen Bruner Brunke, Excelsior Springs, which was adopted.

Senators Scott, Shields, Loudon and Purgason offered Senate Resolution No. 390, regarding the Fortieth Birthday of the Honorable Matthew Vincent Bartle, Lee's Summit, which was adopted.

Senator Purgason offered Senate Resolution No. 391, regarding Tim Blake, Lebanon, which was adopted.

Senator Gibbons offered Senate Resolution No. 392, regarding the death of John W. Sinnett, Linn, which was adopted.

Senator Gibbons offered Senate Resolution No. 393, regarding Kimberly Jeske, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 394, regarding Michael Koscielniak, Shrewsbury, which was adopted.

Senator Vogel offered Senate Resolution No. 395, regarding Nathan T. Higgins, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 396, regarding Evelyn Watson Speidel, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 397, regarding the birth of Bailey James Carter, Mt. Vernon, which was adopted.

Senator Stouffer offered Senate Resolution No. 398, regarding Mr. and Mrs. Virgil Leckband, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 399, regarding Jim Edmundson, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 400, regarding the One Hundredth Birthday of Edward Krone, Higginsville, which was adopted.

Senator Loudon offered Senate Resolution No. 401, regarding Esley Hamilton, University City, which was adopted.

Senator Stouffer offered Senate Resolution No. 402, regarding Art Thaller, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 403, regarding the Ninetieth Birthday of Essie Boone Matthews, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 404, regarding the One Hundred Second Birthday of Serena Cooper, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 405, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Hupp, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 380—By Wheeler.

An Act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to qualifications of the chief executive officer of the urban public library district.

SB 381—By Ridgeway.

An Act to repeal sections 407.1355 and 570.223, RSMo, and to enact in lieu thereof two new sections relating to the use of personal information, with penalty provisions and an emergency clause.

SB 382—By Vogel.

An Act to authorize the conveyance of property owned by the state in Cole County.

SB 383—By Vogel.

An Act to repeal sections 303.026, 303.400, 303.403, 303.406, 303.409, 303.412, and 303.415, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle financial responsibility law.

SB 384—By Scott.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to reservation of rights.

SB 385—By Scott.

An Act to repeal sections 508.140, 514.060, 516.120, 516.140, and 537.600, RSMo, and to enact in lieu thereof fifteen new sections relating to claims for damages and the payment thereof.

SB 386—By Loudon.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof six new sections relating to a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state.

SB 387—By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to licensing of excursion gambling boats and slot machines.

SB 388—By Loudon.

An Act to amend chapter 135, RSMo, by adding thereto four new sections relating to the residential treatment agency tax credit act.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS**

for **SB 270**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and Environment, to which was referred **SB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SCS for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 270An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.440, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof sixteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Days

Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Griesheimer, **SB 210**, with **SCS**, was placed on the Informal Calendar.

Senator Klindt moved that **SJR 1** be taken up for perfection, which motion prevailed.

Senator Klindt offered **SS** for **SJR 1**, entitled:

SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 1

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

Senator Klindt moved that **SS** for **SJR 1** be adopted.

Senator Koster assumed the Chair.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 1, Page 1, Section A, Line 9, by inserting after all of said line the following:

“Section 47(a). For the purpose of providing additional monies to be expended and used by the department of natural resources through the state soil and water districts commission as defined in Section 278.070, RSMo, for the saving of the soil and water of this state for the conservation of the productive power of Missouri agricultural **and residential** land, and by the department of natural resources through the division responsible for the State park system for the acquisition, development, maintenance and operation of state parks and state historic sites in accordance with Chapter 253, RSMo, and for the administration of the laws pertaining thereto, an additional sales tax of one-tenth of one percent is hereby levied and imposed upon all sellers for the privilege of selling tangible personal property or rendering taxable services at retail in this state upon the sales and services which now are or hereafter are listed and set forth in, and, except as to the amount of tax, subject to the provisions of and to be collected as provided in the “Sales Tax Law” and subject to the rules and regulations promulgated in connection therewith; and an additional use tax of

one-tenth of one percent is levied and imposed for the privilege of storing, using or consuming within this state any article of tangible personal property as set forth and provided in the “Compensating Use Tax Law” and, except as to the amount of the tax, subject to the provisions of and to be collected as provided in the “Compensating Use Tax Law” and subject to the rules and regulations promulgated in connection therewith. In addition, monies deposited in the state parks sales tax fund pursuant to the provisions of section 47(b) of this article shall also be appropriated to make payments to counties for a period of five years for the unimproved value of land for distribution to the appropriate political subdivisions as payment in lieu of real property taxes for privately owned land acquired by the department of natural resources for park purposes after July 1, 1985, in such amounts as determined by appropriation, but in no event shall such amounts be more than the amount of property tax imposed by political subdivisions at the time the department acquired or acquires such land.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Clemens raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the joint resolution.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Green requested that a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Days, Coleman, Callahan and Wilson.

SA 1 failed of adoption by the following vote:

YEAS—Senators			
Bray	Callahan	Coleman	Days
Dolan	Dougherty	Graham	Green
Wheeler	Wilson—10		
NAYS—Senators			
Bartle	Cauthorn	Champion	Clemens
Crowell	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			
Absent—Senator Kennedy—1			
Absent with leave—Senators—None			
Vacancies—2			

Senator Klindt moved that **SS** for **SJR 1** be adopted, which motion prevailed.

On motion of Senator Klindt, **SS** for **SJR 1** was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 225**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal

Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Vogel, **SA 1** was withdrawn.

SS for **SCS** for **SB 225** was again taken up.

At the request of Senator Cauthorn, **SS** for **SCS** for **SB 225** was withdrawn.

Senator Cauthorn offered **SS No. 2** for **SCS** for **SB 225**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 225

An Act to repeal sections 260.200, 260.262, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.342, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, and 260.569, RSMo, and to enact in lieu thereof seventeen new sections relating to hazardous waste, with penalty provisions.

Senator Cauthorn moved that **SS No. 2** for **SCS** for **SB 225** be adopted.

Senator Scott assumed the Chair.

At the request of Senator Cauthorn, **SB 225**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

COMMUNICATIONS

Senator Shields submitted the following:

February 21, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Bootheel Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie Shields

Charlie Shields

Bootheel Caucus:

Senator Robert Mayer

Representative Mike Dethrow

Representative Gayle Kingery

Representative Rod Jetton

Representative Billy Pat Wright

Representative Peter Myers

Representative Lanie Black

Representative Terry Swinger

Representative Otto Bean, Jr.

Senator Jason Crowell

Also,

February 21, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's 4th District Senate Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie Shields
Charlie Shields
4th District Senate Caucus:
Senator Pat Dougherty
Representative Yaphet El-Amin
Representative Rodney Hubbard
Representative Amber Boykins
Representative Connie Johnson
Representative Robin Wright Jones
Representative Rachel Storch
Representative Fred Kratky
Representative Mike Vogt
Representative Mike Daus

Also,

February 21, 2005
Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101
Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Republicans with Prior House Service Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie Shields
Charlie Shields
Republicans with Prior House Service Caucus:

Norma Champion	John E. Griesheimer
Luann Ridgeway	Delbert Scott
Matt Bartle	Carl M. Vogel
Charlie Shields	Jason Crowell
John Loudon	Michael R. Gibbons
Chuck Purgason	Larry Gene Taylor
Kevin Engler	Robert Mayer
David G. Klindt	Jon Dolan
Chuck Gross	

Also,

February 21, 2005
Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101
Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Hope for a Cure Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie Shields
Charlie Shields
Hope for a Cure Caucus:

Luann Ridgeway	Jon Dolan
David G. Klindt	Bill Stouffer
Robert Mayer	Larry Taylor
Joan Bray	Chuck Graham
Pat Dougherty	Chuck Purgason
Maida J. Coleman	Jason Crowell
Harry Kennedy	Carl M. Vogel
Matt Bartle	Michael R. Gibbons
Timothy P. Green	John E. Griesheimer
John Cauthorn	John Loudon
Charles R. Gross	Victor E. Callahan
Charlie Shields	Rita Heard Days
Chris Koster	Yvonne S. Wilson
Kevin Engler	Gary Nodler
Charles Wheeler	Dan Clemens
Delbert R. Scott	Norma Champion

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 389—By Taylor.

An Act to repeal sections 115.635 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to election offenses of the third and fourth classes, with penalty provisions.

SB 390—By Taylor.

An Act to repeal section 301.567, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

SB 391—By Dougherty, Kennedy and Coleman.

An Act to repeal section 82.1025, RSMo, and to enact in lieu thereof one new section relating to nuisance actions.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Emily Finegar, a student from the University of Missouri, Columbia; and Martha Finegar and Alicia Steinmann, students from Bernard Middle School, St. Louis; and Martha and Alicia were made honorary pages.

Senator Kennedy introduced to the Senate, Helen Finegar, St. Louis.

Senator Gibbons introduced to the Senate, Katie Killian, her daughters, Bridget and Clare and her mother, Sue Newell, Kirkwood; and Bridget and Clare were made honorary pages.

Senator Loudon introduced to the Senate, members of the Seventh Senatorial District Leadership Academy.

Senator Wilson introduced to the Senate, members of the Delta Sigma Theta Sorority, Inc., from around the state.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 22, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 361-Stouffer
SB 362-Stouffer
SB 363-Kennedy, et al
SB 364-Purgason
SB 365-Mayer, et al
SB 366-Wheeler
SB 367-Cauthorn
SB 368-Dougherty, et al
SB 369-Dougherty, et al
SB 370-Dougherty, et al
SB 371-Dolan and Bray
SB 372-Engler, et al
SB 373-Bartle
SB 374-Loudon and Bray
SB 375-Loudon
SB 376-Loudon
SB 377-Loudon and Gibbons
SB 378-Coleman
SB 379-Coleman, et al
SB 380-Wheeler
SB 381-Ridgeway

SB 382-Vogel
SB 383-Vogel
SB 384-Scott
SB 385-Scott
SB 386-Loudon
SB 387-Loudon
SB 388-Loudon
SB 389-Taylor
SB 390-Taylor
SB 391-Dougherty, et al
SJR 18-Bartle, et al

HOUSE BILLS ON SECOND READING

HCS for HB 393

HCS for HB 441

SENATE BILLS FOR PERFECTION

SB 179-Griesheimer, et al, with SCS
SB 138-Wheeler, with SCS

SB 29-Dolan, with SCS

SB 32-Bartle, with SCS

SB 147-Cauthorn, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 210-Griesheimer, with SCS

SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 24-Griesheimer, with SCS

SB 69-Shields and Wheeler, with SCS

SB 70-Shields, with SCS

SB 86-Crowell

SB 99-Champion

SB 174-Vogel

SB 178-Shields

SB 180-Loudon, et al

SB 141-Nodler

SB 100-Champion, with SCS

SB 71-Griesheimer

SB 21-Shields

SB 162-Gross

SB 165-Bartle

SB 123-Bartle

SB 149-Nodler

SB 189-Gross

SB 171-Purgason

Reported 2/21

SB 242-Scott

SB 131-Loudon
SB 211-Loudon

SB 122-Nodler
SB 6-Klindt, with SCS

RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 22, 2005

The Senate met pursuant to adjournment.

Senator Ridgeway in the Chair.

Reverend Carl Gauck offered the following prayer:

“May God be gracious to us and bless us and make his face to shine upon us,...” (Psalm 67:1)

Loving Father, we pray that You will be gracious to us and direct our steps and efforts this day. And we pray for Senator Wheeler’s wife and ask once again for Your gracious healing; that You will touch her with Your healing power and that it will flow through her, bringing her to health and wholeness. We pray for Senator Wheeler and his family, that they may know Your comforting presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

Absent with leave—Senator
Wheeler—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 406, regarding the Seventy-fifth Anniversary of the City of Olivette, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 392—By Coleman.

An Act to authorize the sale of certain state property.

SB 393—By Stouffer.

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living residences.

SB 394—By Nodler.

An Act to repeal section 30.720, RSMo, relating to financial institutions doing business in northern Ireland.

SB 395—By Scott.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court surcharges.

SB 396—By Crowell.

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to aviation.

SB 397—By Graham.

An Act to repeal sections 546.070, 650.056, and 650.057, RSMo, and to enact in lieu thereof fifteen new sections relating to the criminal justice system, with penalty provisions.

SB 398—By Graham.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to appointment of fee agents by the governor with the advice and consent of the senate.

SB 399—By Bray.

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.672, 67.673, 67.674, 67.676, 67.678, 67.1303, 67.1545, 67.1775, 67.1959, 67.2000, 67.2030, 67.2500, 67.2510, 67.2515, 67.2520, 67.2525, 67.2530, 94.578, 94.580, 94.605, 94.660, 94.705, 94.900, 144.010, 144.014, 144.030, 144.046, 144.100, 144.517, 144.625, 144.655, 144.805, 221.407, 238.235, 238.410, and 644.032 RSMo, and to enact in lieu thereof thirty-nine new sections relating to the implementation of the streamlined sales and use tax agreement.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SJR 1**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 24, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof one new section relating to limitations on the use of law library funds.

Was called from the Consent Calendar and taken up.

SCS for **SB 24**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 24

An Act to repeal section 488.426, section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof two new sections relating to limitations on the use of law library funds.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 24** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Wheeler—1

Vacancies—2

President Kinder assumed the Chair.
The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.
Senator Griesheimer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 69, with **SCS**, introduced by Senators Shields and Wheeler, entitled:
An Act to authorize the conveyance of property owned by the state in Jackson County to the City of Kansas City.
Was called from the Consent Calendar and taken up by Senator Shields.
SCS for **SB 69**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 69

An Act to authorize the conveyance of property owned by the state in Jackson County to the City of Kansas City,
with an emergency clause.
Was taken up.
Senator Shields moved that **SCS** for **SB 69** be adopted, which motion prevailed.
On motion of Senator Shields, **SCS** for **SB 69** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Wheeler—1

Vacancies—2

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Wheeler—1

Vacancies—2

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 70, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 100.710, RSMo, and to enact in lieu thereof one new section relating to business use incentives for large-scale development.

Was called from the Consent Calendar and taken up.

SCS for **SB 70**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 70

An Act to repeal sections 100.710 and 135.284, RSMo, section 100.840 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, section 100.840 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1182, ninety-second general assembly, second regular session, section 100.850 as enacted by house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, first regular session, and section 100.850 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 1394, ninety-second general assembly, second regular session, and to enact in lieu thereof four new sections relating to business use incentives for large-scale development.

Was taken up.

Senator Shields moved that **SCS** for **SB 70** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 70** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Taylor—1

Absent with leave—Senator
Wheeler—1

Vacancies—2

The President declared the bill passed.
On motion of Senator Shields, title to the bill was agreed to.
Senator Shields moved that the vote by which the bill passed be reconsidered.
Senator Gibbons moved that motion lay on the table, which motion prevailed.
SB 86, introduced by Senator Crowell, entitled:
An Act to repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to eminent domain.
Was called from the Consent Calendar and taken up.
On motion of Senator Crowell, **SB 86** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Shields	Stouffer	Taylor	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Ridgeway	Scott—2
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Absent with leave—Senator
Wheeler—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 174, introduced by Senator Vogel, entitled:

An Act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Vogel, **SB 174** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator
Wheeler—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senator
Wheeler—1

Vacancies—2

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 99, introduced by Senator Champion, entitled:

An Act to repeal section 620.602, RSMo, and to enact in lieu thereof one new section relating to the joint committee on economic development policy and planning.

Was called from the Consent Calendar and taken up.

Senator Champion moved that **SB 99** be read the 3rd time and finally passed.

At the request of Senator Champion, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SB 178, introduced by Senator Shields, entitled:

An Act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 178** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wilson—28

NAYS—Senators—None

Absent—Senators

Dolan	Green	Koster—3
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Absent with leave—Senator
Wheeler—1

Vacancies—2

The President declared the bill passed.
On motion of Senator Shields, title to the bill was agreed to.
Senator Shields moved that the vote by which the bill passed be reconsidered.
Senator Gibbons moved that motion lay on the table, which motion prevailed.
Senator Mayer assumed the Chair.
SB 180, introduced by Senator Loudon, et al, entitled:
An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Ronald Reagan Day in Missouri.
Was called from the Consent Calendar and taken up by Senator Loudon.
On motion of Senator Loudon, **SB 180** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Engler	Gibbons	Griesheimer
Gross	Klindt	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

NAYS—Senators

Bray	Dougherty	Graham	Green
Kennedy	Wilson—6		

Absent—Senator Koster—1

Absent with leave—Senator

Wheeler—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Champion moved that **SB 99** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Champion, **SB 99** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle		Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Days	
Dolan		Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross	
Kennedy	Klindt	Loudon	Mayer	
Nodler	Purgason	Ridgeway	Scott	
Shields	Stouffer	Taylor	Vogel	

Wilson—29

NAYS—Senators—
None

Absent—Senators

Coleman Koster—2

Absent with leave—
Senator Wheeler—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 141, introduced by Senator Nodler, entitled:

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the licensure of dealers who sell emergency vehicles.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 141** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Days
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wilson—28

NAYS—Senators—None

Absent—Senators

Coleman	Dolan	Koster—3
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Absent with leave—Senator
Wheeler—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 100, with **SCS**, introduced by Senator Champion, entitled:

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

Was called from the Consent Calendar and taken up.

SCS for **SB 100**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

Was taken up.

Senator Champion moved that **SCS** for **SB 100** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 100** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell

SB 378—Judiciary and Civil and Criminal Jurisprudence.

SB 379—Aging, Families, Mental and Public Health.

SB 380—Economic Development, Tourism and Local Government.

SJR 18—Judiciary and Civil and Criminal Jurisprudence.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for HB 393—Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 400—By Klindt.

An Act to amend chapter 250, RSMo, by adding thereto eleven new sections relating to the wholesale water and sewer authority act.

SB 401—By Kennedy.

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

SB 402—By Gibbons, Coleman, Griesheimer and Dougherty.

An Act to repeal sections 302.178, 311.310, 311.325, 570.223, and 577.500, RSMo, and to enact in lieu thereof six new sections relating to underage drinking, with penalty provisions.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. Bill Reynolds, M.D., and his daughter, Emma, Nixa; and Emma was made an honorary page.

Senator Griesheimer introduced to the Senate, Barbara Zerr and Patricia Schreiner, Hermann.

Senator Kennedy introduced to the Senate, fifth grade Girl Scouts from St. Catherine Laboure School, St. Louis; and Caitlyn Rich, Emily Follen, Maria Merlo and Alexis Fuchs were made honorary pages.

Senator Cauthorn introduced to the Senate, Dr. Mercedes Williamson, D.C. and Dr. Shane Hart, D.C., Bowling Green.

Senator Scott introduced to the Senate, Kevin Spaulding, Bolivar; and David O'Neal, Wheatland.

Senator Clemens introduced to the Senate, 2004-2005 State FFA Officers, Allyssa Berry, Pattonsburg; Hilary Holeman, Trenton; Jaclyn DeWeese, Brunswick; Brian Martin, Centralia; Susan Bernt, Leeton; Rebecca Williams, Tipton; Joshua Erisman, Greenfield; Erica Dean, Ash Grove; James Kaiser, Monett; Nathaniel Storm, Licking; Keva Hulsey, Rosebud; Laura Puchbauer, Jackson; Gary Slayton, Fairdealing; and Gina Eckler, Shelbyville.

Senator Mayer introduced to the Senate, Megan Gayley and Julie Terrell, Dexter; and Elizabeth Ball, Kirkwood.

Senator Loudon introduced to the Senate, Ezra Akin, David Randolph, Daniel Hoenes, Jana Scherle, Faith Spencer, Laurel Spencer, Hannah Akin and Lacey Smith, Teen Eagles from St. Louis and Hillsboro.

Senator Kennedy introduced to the Senate, Dr. Michael Finley, D.C., St. Louis.

Senator Ridgeway introduced to the Senate, Kathy French, Edith Parks and Marty Driver, Smithville.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

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TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 23, 2005

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 381-Ridgeway
SB 382-Vogel
SB 383-Vogel
SB 384-Scott
SB 385-Scott
SB 386-Loudon
SB 387-Loudon
SB 388-Loudon
SB 389-Taylor
SB 390-Taylor
SB 391-Dougherty, et al
SB 392-Coleman
SB 393-Stouffer
SB 394-Nodler
SB 395-Scott

SB 396-Crowell
SB 397-Graham
SB 398-Graham
SB 399-Bray
SB 400-Klindt
SB 401-Kennedy
SB 402-Gibbons, et al

HOUSE BILLS ON SECOND READING

HCS for HB 441

THIRD READING OF SENATE BILLS

SS for SJR 1-Klindt

SENATE BILLS FOR PERFECTION

SB 179-Griesheimer, et al, with SCS
SB 138-Wheeler, with SCS
SB 29-Dolan, with SCS

SB 32-Bartle, with SCS
SB 147-Cauthorn, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 210-Griesheimer, with SCS

SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 71-Griesheimer
SB 21-Shields
SB 162-Gross
SB 165-Bartle
SB 123-Bartle

SB 149-Nodler
SB 189-Gross
SB 171-Purgason

Reported 2/21

SB 242-Scott
SB 131-Loudon

SB 211-Loudon

SB 122-Nodler
SB 6-Klindt, with SCS

RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 23, 2005

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom consists in doing the next thing you have to do, doing it with your whole heart and finding delight in doing it.” (Meister Eckert)

Almighty God, as we race through the day may we put our whole selves into what must be done next and may we always embrace every task with maximum efficiency knowing then we have not wasted our time or energy but have given our best effort, doing it as unto You. And, may we always find joy in whatever occupies our lives, for thus You created us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 407, regarding the Girl Scouts' Heart of Missouri Council, which was adopted.

Senator Vogel offered Senate Resolution No. 408, regarding Janice K. Leivan, Jefferson City, which was adopted.

Senator Wheeler offered Senate Resolution No. 409, regarding Lyle Keith Querry, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 410, regarding Lucas Blattel, Chaffee, which was adopted.

Senator Graham offered Senate Resolution No. 411, regarding Scott W. Shader, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 412, regarding Gary W. Meyer, Kansas City, which was adopted.

Senator Graham offered Senate Resolution No. 413, regarding Jesse Lee "Jay" Curry, Jr., Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 414, regarding the One Hundred First Birthday of Charles Jefferson, Columbia, which was adopted.

Senator Dougherty offered Senate Resolution No. 415, regarding the One Hundred First Birthday of Iola Cornelius Henson, St. Louis, which was adopted.

Senator Wilson offered Senate Resolution No. 416, regarding Gabriel Hendren, which was adopted.

Senator Wilson offered Senate Resolution No. 417, regarding Burket Jones, which was adopted.

Senator Wilson offered Senate Resolution No. 418, regarding Jered Maxon, which was adopted.

Senator Wilson offered Senate Resolution No. 419, regarding Matt Stahl, which was adopted.

Senator Wilson offered Senate Resolution No. 420, regarding Seth Snyder, which was adopted.

Senator Wilson offered Senate Resolution No. 421, regarding Sean Patrick Hennessey, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 422, regarding Coach Carroll Williams, Cape Girardeau, which was adopted.

Senator Graham offered Senate Resolution No. 423, regarding the One Hundredth Birthday of Roy L. Reed, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 424, regarding Clara Grimes, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 425, regarding the One Hundredth Birthday of Pearl Bounds, French Village, which was adopted.

Senator Shields offered Senate Resolution No. 426, regarding Andrew Stephen Bean, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 403—By Green.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to the licensing of professional counselors.

SB 404—By Koster.

An Act to repeal sections 488.031, 488.445, and 488.607, RSMo, and to enact in lieu thereof four new sections relating to court costs.

SB 405—By Koster.

An Act to repeal sections 494.430 and 494.432, RSMo, and to enact in lieu thereof two new sections relating to jury service.

SB 406—By Gross.

An Act to repeal section 33.282, RSMo, and to enact in lieu thereof one new section relating to limitations upon issuance and redemption of economic development tax credits.

SB 407—By Mayer.

An Act to repeal section 461.025, RSMo, and to enact in lieu thereof one new section relating to beneficiary deeds.

SB 408—By Ridgeway.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

SB 409—By Graham.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to automated external defibrillators.

SJR 19—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 252**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott assumed the Chair.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 177**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 179**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 179**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 179

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to cost recovery for utility companies.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 179** be adopted.

Senator Shields assumed the Chair.

President Kinder assumed the Chair.

Senator Scott assumed the Chair.

At the request of Senator Griesheimer, **SB 179**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Wheeler moved that **SB 138**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 138**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 138

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

Was taken up.

Senator Wheeler moved that **SCS** for **SB 138** be adopted, which motion prevailed.

On motion of Senator Wheeler, **SCS** for **SB 138** was declared perfected and ordered printed.

Senator Dolan moved that **SB 29**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 29**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to outdoor advertising.

Was taken up.

Senator Dolan moved that **SCS** for **SB 29** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 29, Page 2, Section 226.527.4, Line 37, by deleting: “or other approval for any use, structure,”; and all on line 38; and on line 39 “request for rezoning”.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dolan, **SB 29**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Bartle moved that **SB 32**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 32**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 32

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof ten new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

Was taken up.

Senator Bartle moved that **SCS** for **SB 32** be adopted.

Senator Bartle offered **SS** for **SCS** for **SB 32**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 32

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof ten new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

Senator Bartle moved that **SS** for **SCS** for **SB 32** be adopted.

President Kinder assumed the Chair.

At the request of Senator Bartle, **SB 32**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for SJR 1 was placed on the Informal Calendar.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 427, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Darryle Little, Silver Lake, Kansas, which was adopted.

Senator Klindt offered Senate Resolution No. 428, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jewell Maize, Pattonsburg, which was adopted.

Senators Coleman and Bray offered Senate Resolution No. 429, regarding Meade Summers, III, and Jerome Glick, which was adopted.

Senator Coleman offered Senate Resolution No. 430, regarding the Old North St. Louis Restoration Group, which was adopted.

Senator Gibbons offered Senate Resolution No. 431, regarding the March of Dimes, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 21, 2005

Senator Michael R. Gibbons

President Pro Tem

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Gibbons:

I request to be removed from the Joint Committee on Corrections. Your consideration of this request is appreciated. Thank you.

Sincerely,

/s/ Yvonne S. Wilson

Sen. Yvonne Wilson

9th District

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Homeschoolers from Lee's Summit; and Maddie Lugenbeel, Peter Lazarz, Noah Loethen and Brittany Goforth were made honorary pages.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Michael L. Fessenden, M.D., Peculiar.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Susan Burkhart, M.D., Sedalia.

Senator Loudon introduced to the Senate, Dottie Pasley, Chesterfield; Jean Layton and Sylvia Niederschmidt, Ballwin; and Maxine Reisenleiter, St. Louis.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Michael Ballman, D. Paul Baue, Christina Blake, Steve Brennell, Julie Burkemper, Michele Carley, Jeffrey Chapple, Karen Craven, Heather Dawson, Lisa Dunham, Myles Eaton, Brad Farber, Annie Foncannon, Kenneth Gumper, Robert Hembrock, Robert Jones, Esther Lauer, April McKinnies, Leslie Miller, Christine Mills, Ann Randolph, Katherine Roth, Scot Schafer, Myron Sheets, Christina Sherman, Larry Shroth, Jeffrey Smith, Scott Tate, Dana Webb, Karen Sieve, Laura Whittaker, Jim Ottomeyer, Rose Mack, Stephen Phelps, Bruce Sowatsky and Sharon Stormer, Vision St. Charles County Leadership.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Mayor Shawn Brown, Alderman Jerry Hollingsworth, Alderman Terry Hawkins, Alderman Rocky Reitmeyer and Alderman Len Pagano, St. Peters.

Senator Cauthorn introduced to the Senate, Tori Webber and Sharon Schnake, Mexico.

Senator Griesheimer introduced to the Senate, Lori Nolen and sixty fourth grade students from Owensville Elementary School, Owensville.

Senator Graham introduced to the Senate, Todd Sletcher, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 24, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 381-Ridgeway
SB 382-Vogel
SB 383-Vogel
SB 384-Scott
SB 385-Scott
SB 386-Loudon
SB 387-Loudon
SB 388-Loudon
SB 389-Taylor
SB 390-Taylor
SB 391-Dougherty, et al
SB 392-Coleman
SB 393-Stouffer
SB 394-Nodler
SB 395-Scott
SB 396-Crowell
SB 397-Graham
SB 398-Graham

SB 399-Bray
SB 400-Klindt
SB 401-Kennedy
SB 402-Gibbons, et al
SB 403-Green

SB 404-Koster
SB 405-Koster
SB 406-Gross
SB 407-Mayer
SB 408-Ridgeway
SB 409-Graham
SJR 19-Ridgeway

HOUSE BILLS ON SECOND READING

HCS for HB 441

SENATE BILLS FOR PERFECTION

SB 147-Cauthorn, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SJR 1-Klindt

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)

SB 32-Bartle, with SCS & SS for SCS

(pending)

SB 179-Griesheimer, et al, with SCS

(pending)

SB 210-Griesheimer, with SCS

SB 225-Cauthorn, with SCS & SS#2 for SCS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/14

SB 71-Griesheimer

SB 21-Shields

SB 162-Gross

SB 165-Bartle

SB 123-Bartle

SB 149-Nodler

SB 189-Gross

SB 171-Purgason

Reported 2/21

SB 242-Scott

SB 131-Loudon

SB 211-Loudon

SB 122-Nodler

SB 6-Klindt, with SCS

Reported 2/23

SB 252-Koster, et al, with SCS

SB 177-Shields

SB 342-Bartle

RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 24, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Indeed, you are my lamp, O Lord, the Lord lightens my darkness.” (2 Samuel 22:29)

You are the God of light and life and Your brilliance shines forth lightening the path we are to walk this day and every day. Keep us ever close to You that we may see and find our way through these times and be a witness of Your light in our office and in our homes. And Lord, watch over “our going out and coming in.” In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 432, regarding Cameron Michael “Cam” Korte, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 433, regarding the birth of Seth Michael Archer, Blue Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 434, regarding the birth of Deklan Steele Himmelberg, which was adopted.

Senator Stouffer offered Senate Resolution No. 435, regarding the birth of Carter Hammond Widhalm, West Plains, which was adopted.

Senator Stouffer offered Senate Resolution No. 436, regarding the birth of Lori Lynn Eckhoff, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 437, regarding the birth of Brooke Madison McElwee, Braymer, which was adopted.

Senator Stouffer offered Senate Resolution No. 438, regarding the birth of Delana Brooke Vogelsmeier, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 439, regarding the birth of Brady Charles Simpson, Lone Jack, which was adopted.

Senator Stouffer offered Senate Resolution No. 440, regarding the birth of Joseph Michael Trump, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 441, regarding Mr. and Mrs. Kevin Boock, Marshall, which was adopted.

Senator Nodler offered Senate Resolution No. 442, regarding the memory of Army Private First Class Jesse A. Givens, Springfield, which was adopted.

Senator Gross offered Senate Resolution No. 443, regarding Daniel M. Butler, St. Charles, which was adopted.

Senator Vogel offered Senate Resolution No. 444, regarding the 2004-2005 Tipton High School Marketing Program, which was adopted.

Senator Koster offered Senate Resolution No. 445, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Floyd Hursh, Warrensburg, which was adopted.

Senator Shields offered Senate Resolution No. 446, regarding Angela Kilpatrick, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 447, regarding Kathleen Knuth, Kansas City, which was adopted.

Senator Engler offered the following resolution:

SENATE RESOLUTION NO. 448

WHEREAS, the state of Missouri; the residents of its cities, towns, and communities; and electric power providers all have a shared interest in improving air quality and assuring compliance with our nation's air quality goals; and

WHEREAS, electric power providers have significantly reduced air emissions, but additional reductions will help address these air quality goals; and

WHEREAS, the Clean Air Act provides for continued reductions in emissions of sulfur dioxide (SO₂), nitrogen oxides (NO_x) and mercury from electric power facilities with numerous regulatory decisions mandated over the next two decades that will have unpredictable outcomes; and

WHEREAS, implementation of the Clean Air Act's multiple, overlapping requirements could be streamlined to facilitate greater, more efficient, and more certain emission reductions that would reduce litigation that often causes significant delays in achieving air quality goals; and

WHEREAS, a new federal emission reduction program could help to resolve regional and national air quality challenges, interstate environmental conflicts, and reduce inconsistencies between state programs; and

WHEREAS, the implications of any emission reduction programs on consumer energy prices and electric power reliability must be factored into policy decisions; and

WHEREAS, the quality of life in Missouri depends on a reliable supply of electric power; and

WHEREAS, Missouri's economic vitality is linked to the availability of affordable supplies of electric power; and

WHEREAS, the amount of time necessary for emission reduction-related litigation often reduces the amount of time available for the installation of emission-reduction technologies and increases of the costs of compliance, which eventually are passed on to consumers of electric power; and

WHEREAS, an opportunity (in the form of the Clear Skies Act) exists to adopt a federal, integrated strategy that establishes aggressive, but reasonable, time frames and reduction targets for the nation's three highest priority electric power plant emissions – nitrogen oxides (NO_x), sulfur dioxide (SO₂), and mercury; and

WHEREAS, such a multi-emission strategy will minimize interstate regulatory compliance conflicts, lessen the need for costly, time-consuming litigation, allow for the design and deployment of more cost-effective technologies, and continue the nation's progress for reducing potentially harmful emissions in as cost-effective manner as possible without negatively impacting the reliability of the nation's electric power supplies:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, urge the United States Congress to adopt forthwith multi-emission legislation that will provide reduction targets for (NO_x), (SO₂), and mercury at reasonable and appropriate levels and over periods of time that will provide certainty, stability, and flexibility to electric power generators in meeting their air quality targets while maintaining electric power reliability, availability, and affordability; and

BE IT FURTHER RESOLVED that reductions under such a program should be achieved using an emissions cap-and-trade approach patterned after the successful Clean Air Act acid rain program; and

BE IT FURTHER RESOLVED that the ongoing development of combined heat and power units be encouraged by exempting energy efficient and low-emitting units from multi-emission legislation and allowing them to opt in to the program; and

BE IT FURTHER RESOLVED that such a program should streamline Clean Air Act provisions given that (SO₂), (NO_x), and mercury emissions caps will substantially reduce the amount of emissions from electric power facilities; and

BE IT FURTHER RESOLVED that to the maximum extent possible, enforcement of such a program should be delegated to the states; and

BE IT FURTHER RESOLVED that we support the Clear Skies Act provided that the final version does not contain a historical cap on carbon dioxide emissions; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, each member of the Missouri Congressional delegation, and the Governor of Missouri.

CONCURRENT RESOLUTIONS

Senators Mayer, Shields, Klindt, Dougherty, Kennedy and Ridgeway offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, following breast cancer, cervical cancer is the second most common cancer in women worldwide; and

WHEREAS, according to federal governmental statistics, cervical cancer is the third most common gynecological cancer among American women, with approximately 12,200 new cases diagnosed annually, 4,100 of which result in fatalities; and

WHEREAS, with regular and accurate screening, cervical cancer is highly preventable; widespread screening programs have helped to reduce death rates of women from cervical cancer, but women are still dying even with such advanced medical techniques and evaluative procedures; and

WHEREAS, cervical cancer cases in the United States are generally attributed to a lack of education, a reduction of access available to regular cervical cancer screening, and a lack of screening accuracy; and

WHEREAS, experience shows that increasing cervical cancer awareness among women, especially the underserved women within our state, significantly reduces the probability of mortality; and

WHEREAS, cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening; and

WHEREAS, approximately half of all cervical cancer cases are in women who have never been screened, and ten percent of cases are in women who

have not been screened within the last five years; and

WHEREAS, the median age of cervical cancer patients at diagnosis is 47 years, the youngest median age for all female reproductive cancers; and

WHEREAS, new screening technologies, including FDA-approved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to finally eliminate this potentially deadly disease through early identification of women at increased risk; and

WHEREAS, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society, and the Association of Reproductive Health Professionals, have recently updated their screening guidelines to include FDA-approved testing for the human papillomavirus; and

WHEREAS, women are entitled to proper cervical cancer information, so that they can be empowered to make informed healthcare decisions, and access to routine screening, including the most accurate methods available; and

WHEREAS, the Missouri General Assembly recognizes that through education and screening, women can lower their likelihood for developing cervical cancer, and that through early detection, cervical cancer can be successfully treated after it develops:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby supports the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in taking the lead in formulating the Comprehensive Cancer Action Plan for Missouri, including the review of data regarding cervical cancer and human papillomavirus of women in Missouri, evaluating current methods used to provide women with information regarding cervical cancer, access to regular screening, and options for increasing screening accuracy. The Missouri General Assembly supports the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in the identification of pockets of need, priority strategies, and new technologies, including newly introduced therapies and preventive vaccines which are effective in preventing and controlling cervical cancer; and

BE IT FURTHER RESOLVED that the Comprehensive Cancer Action Plan for Missouri, which serves as a nationwide model of effective cancer control strategies, be presented yearly to the Governor, Lieutenant Governor, President Pro Tem of the Senate, the Speaker of the House of Representatives and to be posted on the Missouri state website homepage; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor of Missouri, the Director of the Department of Health and Senior Services and the Director of the Missouri Cancer Consortium.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 410—By Graham.

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to the exclusion of assets for purposes of determining eligibility for public assistance.

SB 411—By Wilson.

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to telemarketing no-call list.

SB 412—By Taylor.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to public employees.

SB 413—By Taylor.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to political subdivisions.

SB 414—By Purgason.

An Act to repeal sections 65.030, 65.150, 65.180, 65.190, 65.200, 65.220, 65.230, 65.300, 65.610, and 231.230, RSMo, and to enact in lieu thereof eleven new sections relating to counties with township organization.

SB 415—By Cauthorn.

An Act to repeal section 393.015, RSMo, and to enact in lieu thereof two new sections relating to water and sewer companies.

SB 416—By Engler and Dougherty.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance agreements between certain health care providers.

SB 417—By Engler, Days, Champion, Loudon, Graham, Callahan, Bray, Dougherty, Cauthorn, Clemens, Mayer,

Taylor and Shields.

An Act to repeal sections 172.030, 172.037, 172.040, 172.060, 174.450, 174.610, 174.620, and 174.621, RSMo, and to enact in lieu thereof eight new sections relating to the governing boards of certain state higher education institutions.

SB 418—By Mayer.

An Act to repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to crime victims’ compensation fund.

SB 419—By Mayer.

An Act to repeal section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and section 610.123, RSMo, and to enact in lieu thereof two new sections relating to expungement of records.

SB 420—By Mayer.

An Act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to serving of summons.

SB 421—By Bartle.

An Act to repeal section 238.216, RSMo, and to enact in lieu thereof one new section relating to submission of a petition to form a transportation district.

SB 422—By Bartle.

An Act to repeal section 610.123, RSMo, section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840 & 843, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

SB 423—By Bartle.

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system.

THIRD READING OF SENATE BILLS

SB 71, introduced by Senator Griesheimer, entitled:

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 71** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 21, introduced by Senator Shields, entitled:

An Act to repeal section 453.020, RSMo, and to enact in lieu thereof one new section relating to putative father registry.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 21** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 162, introduced by Senator Gross, entitled:

An Act to repeal sections 192.400, 192.410, and 192.420, RSMo, and to enact in lieu thereof three new sections relating to radiation control.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 162** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

SB 165, introduced by Senator Bartle, entitled:

An Act to repeal sections 386.510, 386.520, 386.530, and 386.540, RSMo, and to enact in lieu thereof four new sections relating to judicial appeal of public service commission orders.

Was called from the Consent Calendar and taken up.

Senator Bartle requested unanimous consent of the Senate to make a technical change on page 5, line 18, by deleting the word “entity” and inserting in lieu thereof the word “utility”, which request was granted.

On motion of Senator Bartle, **SB 165** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 123, introduced by Senator Bartle, entitled:

An Act to repeal sections 351.107, 351.180, 351.182, 351.295, and 351.405, RSMo, and to enact in lieu thereof five new sections relating to corporations.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 123** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 149, introduced by Senator Nodler, entitled:

An Act to repeal section 36.390, RSMo, and to enact in lieu thereof one new section relating to state personnel law.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 149** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 189, introduced by Senator Gross, entitled:

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof three new sections relating to the health care provider tax, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Gross, title to the bill was agreed to.
Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
President Kinder assumed the Chair.

SB 171, introduced by Senator Purgason, entitled:
An Act to repeal section 229.160, RSMo, relating to protection of bridges.
Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 171** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Gross—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SJR 1**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 1

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

Was called from the Informal Calendar and taken up.

On motion of Senator Klindt, **SS** for **SJR 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

NAYS—Senators

Bray	Callahan	Days	Dougherty
Green	Kennedy	Wheeler	Wilson—8

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Alice Ann Bartlett, Republican, 1514 Morningside Drive, Chillicothe, Livingston County, Missouri 65613, as the Employer Representative of the Labor and Industrial Relations Commission, for a term ending June 27, 2010, and until her successor is duly appointed and qualified; vice, Bill I. Foster, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna J. English, 1600 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until her successor is duly appointed and qualified; vice, 192.745, RSMo.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark S. James, 14802 Lake Pointe Court, Liberty, Clay County, Missouri 64068, as the Director of the Department of Public Safety, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Charles R. Jackson.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bernadette A. Miller, 1902 East Cardinal Street, Springfield, Greene County, Missouri 65804, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Danny Joe Patterson, 712 West Steel, Seymour, Webster County, Missouri 65746, as a member of the Corrections Officer Certification Commission, for

a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, Conrad H. Sutton, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 138**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Gordon A. Elliot, as a member of the Southwest Missouri State University Board of Governors;

Also,

Homer R. Thompson, as a member of the Missouri State Board of Chiropractic Examiners;

Also,

Mark S. Wasinger, as a member of the Truman State University Board of Governors;

Also,

Kevin L. Thompson, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Joseph M. Forand, M.D., as a member of the Missouri State Board of Health;

Also,

Linward Appling, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Carl D. Nelson, as a member of the Board of Therapeutic Massage;

Also,

Jerry R. King, as a member of the State Fair Commission;

Also,

Margaret Freeman, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Tina A. Odo, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

Dave Edwards, as a member of the Amusement Ride Safety Board;

Also,

Michael J. Stephens, R.Ph., as a member of the Commission for the Missouri Senior Rx Program;

Also,

William Dale Finke, as the Director of the Department of Insurance;

Also,

Deborah K. Waller, as a member of the State Board of Cosmetology;

Also,

Michael A. Marx, as a member of the Seismic Safety Commission;

Also,

M. Jenise Comer, as a member of the State Committee for Social Workers.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 138** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 449, regarding Chalice Young, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 450, regarding Jessica Yeager, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 451, regarding Whitney Wells, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 452, regarding Heather Taylor, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 453, regarding Shaleah Gines, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 454, regarding Nicolette Foster, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 455, regarding Stephanie Dudley, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 456, regarding the One Hundredth Birthday of Edris Jean Duell Jones, Independence, which was adopted.

Senator Shields offered Senate Resolution No. 457, regarding the 135th Field Artillery Brigade, Task Force Guardian, which was adopted.

Senator Bartle offered Senate Resolution No. 458, regarding Jacob Dean LaCombe, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 459, regarding Violet Frye, Blue Springs, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, the Physician of the Day, Dr. John Lilly, D.O., Springfield.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 28, 2005.

SENATE CALENDAR

THIRTIETH DAY—MONDAY, FEBRUARY 28, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 381-Ridgeway

SB 382-Vogel

SB 383-Vogel
SB 384-Scott
SB 385-Scott
SB 386-Loudon
SB 387-Loudon
SB 388-Loudon
SB 389-Taylor
SB 390-Taylor
SB 391-Dougherty, et al
SB 392-Coleman
SB 393-Stouffer
SB 394-Nodler

SB 395-Scott
SB 396-Crowell
SB 397-Graham
SB 398-Graham
SB 399-Bray
SB 400-Klindt
SB 401-Kennedy
SB 402-Gibbons, et al
SB 403-Green
SB 404-Koster
SB 405-Koster

SB 406-Gross
SB 407-Mayer
SB 408-Ridgeway
SB 409-Graham
SB 410-Graham
SB 411-Wilson
SB 412-Taylor
SB 413-Taylor
SB 414-Purgason
SB 415-Cauthorn
SB 416-Engler and Dougherty
SB 417-Engler, et al
SB 418-Mayer
SB 419-Mayer
SB 420-Mayer
SB 421-Bartle
SB 422-Bartle
SB 423-Bartle
SJR 19-Ridgeway

HOUSE BILLS ON SECOND READING

HCS for HB 441

THIRD READING OF SENATE BILLS

SCS for SB 138-Wheeler
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 147-Cauthorn, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 32-Bartle, with SCS & SS for SCS
(pending)

SB 179-Griesheimer, et al, with SCS
(pending)

SB 210-Griesheimer, with SCS

SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/21

SB 242-Scott
SB 131-Loudon
SB 211-Loudon

SB 122-Nodler
SB 6-Klindt, with SCS

Reported 2/23

SB 252-Koster, et al, with SCS
SB 177-Shields

SB 342-Bartle

RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

To be Referred

SCR 5-Mayer, et al

SR 448-Engler

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Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY—MONDAY, FEBRUARY 28, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“I sought the Lord and he answered me, and delivered me from all my fears.” (Psalm 34:4)

Dear God, violence continues throughout our world and death continues to be ever present in the news. We can so easily become discouraged and live in a state of fear but help us to draw closer to You and know that Your love casts out all fears. Fill us with unwavering faith and guide our footsteps so we may confront those who would bring harm to our people. And Lord, be ever present and bring comfort to those who are in harms way and especially to the families that have lost those they love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 24, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 460, regarding the late Antoine Lamarr Gilkey, which was adopted.

Senator Stouffer offered Senate Resolution No. 461, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clarence Gray, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 462, regarding Yancy Forsythe, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 463, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Charles O'Neal, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 464, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Wayne Hufford, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 465, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Stokley Ring, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 466, regarding the Concerned Citizens for the Black Community, Boonville, which was adopted.

Senator Vogel offered Senate Resolution No. 467, regarding Bobby L. Thomas, Fulton, which was adopted.

Senator Gibbons offered Senate Resolution No. 468, regarding Scoutmaster Tony Wicker, Kirkwood, which was adopted.

Senator Crowell offered Senate Resolution No. 469, regarding Dr. Ken White, D.V.M., Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 470, regarding the Jackson R-II School District, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 471, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wallace Knight, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 472, regarding Kenneth A. Lenz, which was adopted.

Senator Stouffer offered Senate Resolution No. 473, regarding Vicki McCarrell, Pilot Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 474, regarding Tom Carrender, Sweet Springs, which was adopted.

CONCURRENT RESOLUTIONS

Senators Ridgeway and Wheeler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships that exists today; and

WHEREAS, together, Taiwan and the United States promote a shared belief in freedom, democracy, and market principles; and

WHEREAS, the level of mutual investment between Taiwan and the United States is quite high; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, a recent study by the United States International Trade Commission supports the negotiation of a Taiwan-United States free trade

agreement; and

WHEREAS, a Taiwan-United States free trade agreement would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's security and democracy and serve the broader interests of the United States in the Asia-Pacific region:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the negotiations of a Taiwan-United States free trade agreement.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 424—By Callahan and Bartle.

An Act to repeal section 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof three new sections relating to intoxication-related traffic offenses, with penalty provisions.

SB 425—By Callahan and Bartle.

An Act to repeal section 570.120, RSMo, and to enact in lieu thereof one new section relating to bad checks, with penalty provisions.

SB 426—By Callahan.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to the expungement of drivers' license suspensions.

SB 427—By Callahan.

An Act to repeal section 227.100, RSMo, and to enact in lieu thereof one new section relating to the highway construction bidding process.

SB 428—By Callahan.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to insurance discounts for senior citizens.

SB 429—By Callahan.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for canine adoption.

SB 430—By Callahan.

An Act to repeal section 572.010, RSMo, and to enact in lieu thereof one new section relating to gambling devices.

SB 431—By Callahan.

An Act to repeal section 144.518, RSMo, and to enact in lieu thereof two new sections relating to local sales taxes for museum and tourism-related activities, with an emergency clause.

SB 432—By Stouffer.

An Act to amend chapter 268, RSMo, by adding thereto one new section relating to animal identification.

SB 433—By Stouffer.

An Act to amend chapter 383, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri health care stabilization fund.

SB 434—By Cauthorn.

An Act to repeal section 621.015, RSMo, and to enact in lieu thereof three new sections relating to the administrative hearing commission.

SB 435—By Wilson.

An Act to repeal section 339.532, RSMo, and to enact in lieu thereof four new sections relating to fraudulent real estate transactions, with penalty provisions.

SB 436—By Bray.

An Act to amend chapter 135, RSMo, by adding thereto twenty new sections relating to senior citizen homestead deferral of taxes.

SB 437—By Bray.

An Act to repeal sections 566.200 and 566.223, RSMo, and to enact in lieu thereof three new sections relating to international marketing, with penalty provisions.

SB 438—By Bartle and Callahan.

An Act to repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to endangering the welfare of a child, with penalty provisions.

SB 439—By Bartle and Callahan.

An Act to repeal section 568.050, RSMo, and to enact in lieu thereof one new section relating to endangering the welfare of a child, with penalty provisions.

SB 440—By Ridgeway.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales and use tax exemptions.

SB 441—By Ridgeway.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to the suspension of driver's licenses and motor vehicle registrations for failing to pay towing charges.

SB 442—By Ridgeway.

An Act to repeal section 570.145, RSMo, and to enact in lieu thereof one new section relating to financial exploitation of the elderly, with penalty provisions.

SB 443—By Taylor.

An Act to repeal sections 381.058, 381.410, and 381.412, RSMo, and to enact in lieu thereof four new sections relating to title insurance.

SB 444—By Taylor.

An Act to amend chapter 429, RSMo, by adding thereto one new section relating to establishing escrow accounts to satisfy mechanics' liens with respect to certain real estate transactions, with penalty provisions.

SB 445—By Taylor.

An Act to repeal section 306.030, RSMo, and to enact in lieu thereof two new sections relating to the state water patrol.

SB 446—By Crowell.

An Act to amend chapters 21, 172, and 174, RSMo, by adding thereto three new sections relating to employment practices of certain higher education institutions.

SB 447—By Crowell.

An Act to repeal section 104.800, RSMo, and to enact in lieu thereof one new section relating to the eight-year transfer provision under the Missouri state employees' retirement system.

SB 448—By Crowell.

An Act to repeal section 545.550, RSMo, and to enact in lieu thereof one new section relating to housing a defendant after a change of venue.

SB 449—By Crowell.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to taxation of pension and retirement income.

SB 450—By Dolan.

An Act to authorize the conveyance of state property.

SB 451—By Dolan.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to the adult abuse fatality review panel.

SB 452—By Dolan.

An Act to repeal section 409.107, RSMo, relating to the issuance of securities.

SB 453—By Loudon.

An Act to repeal section 82.291, RSMo, and to enact in lieu thereof one new section relating to removal of nuisances, with an expiration date.

SB 454—By Loudon.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to American Sign Language.

SB 455—By Loudon.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, and to enact in lieu thereof six new sections relating to charter schools.

SB 456—By Nodler.

An Act to repeal sections 536.010, 536.050, 536.300, 536.305, and 536.310, RSMo, and to enact in lieu thereof nine new sections relating to small business.

SB 457—By Wheeler, Champion, Taylor and Graham.

An Act to repeal sections 660.600 and 660.603, RSMo, and to enact in lieu thereof two new sections relating to the long-term care ombudsman program.

SB 458—By Wheeler and Bray.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to the duty of a pharmacist to fill prescriptions.

SB 459—By Green.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof two new sections relating to small business health insurance expenses deduction.

SB 460—By Koster.

An Act to repeal section 375.146, RSMo, and to enact in lieu thereof two new sections relating to insurance fraud, with penalty provisions.

SB 461—By Koster.

An Act to repeal sections 217.705, 565.081, 565.082, and 565.083, RSMo, and to enact in lieu thereof four new sections relating to probation and parole officers, with penalty provisions.

SB 462—By Klindt.

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

SB 463—By Gross.

An Act to repeal section 610.010, RSMo, and to enact in lieu thereof one new section relating to quasi-public governmental bodies.

SB 464—By Vogel.

An Act to repeal section 217.905, RSMo, and to enact in lieu thereof one new section relating to the Missouri state penitentiary redevelopment commission.

SB 465—By Vogel.

An Act to repeal sections 301.215, 301.560, and 365.200, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle dealers.

SB 466—By Vogel.

An Act to repeal sections 104.403 and 104.404, RSMo, and to enact in lieu thereof three new sections relating to state employee retirement incentive, with an emergency clause.

SB 467—By Griesheimer.

An Act to repeal sections 260.325, 260.330, 260.335 and 260.345, RSMo, and to enact in lieu thereof four new sections relating to solid waste.

SB 468—By Griesheimer.

An Act to amend chapter 204, RSMo, by adding thereto thirty-three new sections relating to reorganized common sewer districts.

SB 469—By Griesheimer.

An Act to repeal sections 51.281, 54.010, 54.280, 54.320, 54.330, 65.110, 65.160, 65.460, 65.490, 65.600, 136.010, 136.160, 137.465, 137.585, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 165.071, 242.560, 245.205, and 301.025, RSMo, and to enact in lieu thereof twenty-six new sections relating to consolidation of tax collection, with an expiration date for certain sections.

SB 470—By Engler.

An Act to amend chapter 319, RSMo, by adding thereto fourteen new sections relating to the blasting and excavation, with penalty provisions and an expiration date for a certain section.

SB 471—By Engler.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the certification of certain tow truck operators, with penalty provisions.

SB 472—By Coleman and Days.

An Act to repeal sections 28.035, 115.105, 115.126, 115.159, 115.275, 115.277, 115.279, 115.281, 115.283, 115.284, 115.287, 115.289, 115.290, 115.291, 115.292, 115.293, 115.294, 115.295, 115.297, 115.299, 115.300, 115.301, 115.303, 115.417, 115.436, 115.447, 115.477, 115.481, 115.507, 115.631, 115.637, 115.658, 116.310, and 486.350, RSMo, and to enact in lieu thereof thirty-three new sections relating to elections, with penalty provisions and an effective date.

SB 473—By Kennedy.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid for public schools, with an emergency clause.

SB 474—By Kennedy.

An Act to repeal sections 138.010, 138.200, and 138.236, RSMo, and to enact in lieu thereof three new sections relating to the accurate assessment act.

SB 475—By Kennedy.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid for certain at-risk students.

SB 476—By Scott.

An Act to repeal sections 361.060, 361.070, 361.080, 361.262, 361.365, 362.042, 362.107, 362.170, 362.210, 362.213, 362.215, 362.217, 362.225, 362.300, 362.305, 362.310, 362.315, 362.520, and 362.600, RSMo, and to enact

in lieu thereof thirteen new sections relating to banks and banking, with penalty provisions.

SB 477—By Scott.

An Act to repeal section 313.810, RSMo, and to enact in lieu thereof one new section relating to gaming.

SB 478—By Scott.

An Act to repeal sections 115.081, 115.126, 115.223, 115.277, 115.279, 115.283, 115.287, 115.290, 115.291, 115.295, 115.300, 115.430, and 115.637, RSMo, and to enact in lieu thereof fifteen new sections relating to elections, with penalty provisions.

SB 479—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing of financial interest statements.

SB 480—By Shields.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to effective involvement by parents and families in support of their children’s education.

SJR 20—By Shields.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bonded indebtedness of school districts.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SCS for **SB 138**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 138An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

Was taken up by Senator Wheeler.

On motion of Senator Wheeler, **SCS** for **SB 138** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Wheeler, title to the bill was agreed to.
Senator Wheeler moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:
Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 185**, begs leave to report that it has considered the same and recommends that the bill do pass.
Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:
Mr. President: Your Committee on Ways and Means, to which was referred **SB 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.
Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:
Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 173**, begs leave to report that it has considered the same and recommends that the bill do pass.
Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:
Mr. President: Your Committee on Transportation, to which was referred **SB 312**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.
Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:
Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 187**, begs leave to report that it has considered the same and recommends that the bill do pass.
Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:
Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.
Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 257**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 259**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 260**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 262**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 285**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which were referred **SB 103** and **SB 115**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 42**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 57**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 318**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 246**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be

placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 73**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 147**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 147**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147**

An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri qualified biodiesel producer incentive fund.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 147** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 147** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 242, introduced by Senator Scott, entitled:

An Act to amend chapter 58, RSMo, by adding thereto one new section relating to registration of deputy coroners and assistant coroners.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 242** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

**Absent with leave—Senators—
None**

Vacancies—2

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 131, introduced by Senator Loudon, entitled:

An Act to repeal sections 375.532 and 376.300, RSMo, and to enact in lieu thereof two new sections relating to insurance company investment in preferred stocks.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 131** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

President Kinder assumed the Chair.

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 211, introduced by Senator Loudon, entitled:

An Act to repeal sections 407.911, 407.912, and 407.913, RSMo, and to enact in lieu thereof three new sections relating to certain merchandising practices.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 211** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Loudon, title to the bill was agreed to.
Senator Loudon moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 122, introduced by Senator Nodler, entitled:
An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the creation of the energy efficiency implementation act.
Was called from the Consent Calendar and taken up.
On motion of Senator Nodler, **SB 122** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 6, with **SCS**, introduced by Senator Klindt, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

Was called from the Consent Calendar and taken up.

SCS for **SB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 6

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri alternative and renewable energy technology commission, with an expiration date.

Was taken up.

Senator Klindt moved that **SCS** for **SB 6** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Kennedy—1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 481—By Shields.

An Act to repeal sections 162.675, 162.725, 162.735, and 162.740, RSMo, and to enact in lieu thereof two new sections relating to special education services.

SB 482—By Cauthorn.

An Act to repeal section 643.079, RSMo, and to enact in lieu thereof one new section relating to air contaminant source fees.

SB 483—By Cauthorn.

An Act to amend chapter 642, RSMo, by adding thereto two new sections relating to the department of natural resources.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 381—Judiciary and Civil and Criminal Jurisprudence.

SB 382—Economic Development, Tourism and Local Government.

SB 383—Small Business, Insurance and Industrial Relations.

SB 384—Small Business, Insurance and Industrial Relations.

SB 385—Judiciary and Civil and Criminal Jurisprudence.

SB 386—Ways and Means.

SB 387—Ways and Means.

SB 388—Ways and Means.

SB 389—Financial and Governmental Organizations and Elections.

SB 390—Transportation.

SB 391—Judiciary and Civil and Criminal Jurisprudence.

SB 392—Economic Development, Tourism and Local Government.

SB 393—Aging, Families, Mental and Public Health.

SB 394—Financial and Governmental Organizations and Elections.

SB 395—Judiciary and Civil and Criminal Jurisprudence.

SB 396—Transportation.

SB 397—Judiciary and Civil and Criminal Jurisprudence.

SB 398—Governmental Accountability and Fiscal Oversight.

SB 399—Ways and Means.

SB 400—Economic Development, Tourism and Local Government.

SB 401—Pensions, Veterans' Affairs and General Laws.

SB 402—Pensions, Veterans' Affairs and General Laws.

SB 403—Aging, Families, Mental and Public Health.
SB 404—Judiciary and Civil and Criminal Jurisprudence.
SB 405—Judiciary and Civil and Criminal Jurisprudence.
SB 406—Ways and Means.
SB 407—Judiciary and Civil and Criminal Jurisprudence.
SB 408—Aging, Families, Mental and Public Health.
SB 409—Aging, Families, Mental and Public Health.
SB 410—Aging, Families, Mental and Public Health.
SB 411—Commerce, Energy and the Environment.
SB 412—Small Business, Insurance and Industrial Relations.
SB 413—Commerce, Energy and the Environment.
SB 414—Financial and Governmental Organizations and Elections.
SB 415—Economic Development, Tourism and Local Government.
SB 416—Aging, Families, Mental and Public Health.
SB 417—Education.
SB 418—Judiciary and Civil and Criminal Jurisprudence.
SB 419—Judiciary and Civil and Criminal Jurisprudence.
SB 420—Judiciary and Civil and Criminal Jurisprudence.
SB 421—Transportation.
SB 422—Judiciary and Civil and Criminal Jurisprudence.
SB 423—Judiciary and Civil and Criminal Jurisprudence.
SJR 19—Pensions, Veterans' Affairs and General Laws.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 343** to the Committee on Economic Development, Tourism and Local Government.

REFERRALS

President Pro Tem Gibbons referred **SCR 5** and **SR 448** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 23, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Corrections

Dear Terry:

Pursuant to Section 21.440 of the Revised Statutes of Missouri

(RSMo 2002), I am appointing the following senator to the Joint Committee on Corrections:

Senator Timothy Green

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY—TUESDAY, MARCH 1, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 424-Callahan and Bartle
SB 425-Callahan and Bartle
SB 426-Callahan
SB 427-Callahan
SB 428-Callahan
SB 429-Callahan
SB 430-Callahan
SB 431-Callahan
SB 432-Stouffer
SB 433-Stouffer
SB 434-Cauthorn
SB 435-Wilson
SB 436-Bray
SB 437-Bray
SB 438-Bartle and Callahan
SB 439-Bartle and Callahan
SB 440-Ridgeway
SB 441-Ridgeway
SB 442-Ridgeway
SB 443-Taylor
SB 444-Taylor
SB 445-Taylor
SB 446-Crowell
SB 447-Crowell

SB 448-Crowell
SB 449-Crowell
SB 450-Dolan
SB 451-Dolan
SB 452-Dolan
SB 453-Loudon
SB 454-Loudon
SB 455-Loudon

SB 456-Nodler
SB 457-Wheeler, et al
SB 458-Wheeler and Bray
SB 459-Green
SB 460-Koster
SB 461-Koster
SB 462-Klindt
SB 463-Gross
SB 464-Vogel
SB 465-Vogel
SB 466-Vogel
SB 467-Griesheimer
SB 468-Griesheimer
SB 469-Griesheimer
SB 470-Engler
SB 471-Engler
SB 472-Coleman and Days
SB 473-Kennedy

SB 474-Kennedy
SB 475-Kennedy
SB 476-Scott
SB 477-Scott
SB 478-Scott
SB 479-Scott
SB 480-Shields
SB 481-Shields
SB 482-Cauthorn
SB 483-Cauthorn
SJR 20-Shields

HOUSE BILLS ON SECOND READING

HCS for HB 441

SENATE BILLS FOR PERFECTION

SB 185-Loudon, et al
SB 269-Shields and Callahan, with SCS
SB 173-Scott

SB 312-Dolan, with SCS
SB 187-Cauthorn and Clemens

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)

SB 32-Bartle, with SCS & SS for SCS

(pending)

SB 179-Griesheimer, et al, with SCS

(pending)

SB 210-Griesheimer, with SCS

SB 225-Cauthorn, with SCS & SS#2 for SCS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/23

SB 252-Koster, et al, with SCS

SB 177-Shields

SB 342-Bartle

Reported 2/28

SB 240-Scott

SB 241-Scott

SB 222-Callahan, with SCS

SB 257-Koster

SB 258-Koster, with SCS

SB 259-Koster

SB 260-Koster, with SCS

SB 262-Griesheimer, with SCS

SB 285-Clemens and Klindt

SB 155-Mayer, with SCS

SBs 103 & 115-Bartle, with SCS

SB 42-Days

SB 57-Klindt, with SCS

SB 318-Crowell

SB 246-Days, with SCS

SB 280-Taylor

SB 73-Champion, with SCS

RESOLUTIONS

To be Referred

SCR 6-Ridgeway and Wheeler

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, MARCH 1, 2005

The Senate met pursuant to adjournment.

Senator Ridgeway in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, You created us with many abilities and talents different from each other so that together our gifts compliment and supplement each other as we use them to frame and refine the many bills that are before us. Keep us aware of our differences yet see them as useful in the process of legislating the many and diverse issues facing us this session. In Your Holy Name we pray. Amen

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators —
None

Vacancies—2

The Lieutenant Governor was

present.

RESOLUTIONS

Senator Taylor offered Senate Resolution No. 475, regarding Delaney Sweeney, Souder, which was adopted.

Senator Taylor offered Senate Resolution No. 476, regarding William “Ron” Jennings, Verona, which was adopted.

Senator Crowell offered Senate Resolution No. 477, regarding Gene Ditto, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 478, regarding Kathie Simpkins, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 479, regarding the Petal Shoppe, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 480, regarding Tyler Flaker, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 481, regarding Traci Jackson, Sikeston, which was adopted.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, musculoskeletal conditions are responsible for approximately 50 percent of all health-related military disability discharges and the most common non-traumatic cause of functional impairment during military operations; and

WHEREAS, chiropractic services often are used to treat musculoskeletal conditions, and Congress established chiropractic benefits and services for both active duty military within the U.S. Department of Defense and for veterans within the Veterans' Affairs health care systems; and

WHEREAS, doctors of chiropractic practice are in nearly 50 military treatment facilities, primarily testing musculoskeletal conditions and slowly are being added to the VA health care system; and

WHEREAS, there currently is no enterprise coordinating and guiding collaborative research efforts between preeminent chiropractic colleges, scientists, and the military researchers to address the primary questions surrounding integration of chiropractic into military health care environments; and

WHEREAS, to meet this need and to establish a robust, collaborative, national chiropractic military research agenda, Logan College of Chiropractic and the Samuelli Institute are proposing a partnership to create a new consortial Chiropractic Center for Military Research; and

WHEREAS, the center will be located on the Chesterfield, Missouri, campus of Logan College, with research operations conducted by the Samuelli Institute, Alexandria, Virginia; and

WHEREAS, the center will conduct scientifically rigorous research on the application of chiropractic manipulation in the military, including what subpopulations and environments realize the most benefit and how chiropractic can best integrate into the military health care team; and

WHEREAS, the center will facilitate development of research capacity in the area of musculoskeletal conditions by linking scientists at chiropractic educational institutions with scientists in the military and at the Samuelli Institute; and

WHEREAS, the center will focus special, priority consideration on those musculoskeletal conditions that are affecting those active duty military and veterans participating in or returning from combat in Afghanistan and Iraq, including the role of chiropractic manipulation in the total care of those with amputations and prosthetics:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, urge the United States Congress to consider establishing the Chiropractic Center for Military Research at Logan College of Chiropractic; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

Senator Griesheimer assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 484—By Stouffer.

An Act to repeal section 321.220, RSMo, and to enact in lieu thereof one new section relating to powers of fire

protection district boards, with penalty provisions.

SB 485—By Days and Green.

An Act to amend chapter 137, RSMo, by adding thereto two new sections relating to a homestead exemption for senior and disabled persons, with a sunset provision.

SB 486—By Engler.

An Act to repeal section 104.800, RSMo, and to enact in lieu thereof one new section relating to the eight year transfer provision under the Missouri state employees' retirement system.

SB 487—By Engler.

An Act to repeal sections 302.302 and 577.070, RSMo, and to enact in lieu thereof two new sections relating to littering, with penalty provisions.

SB 488—By Engler.

An Act to repeal sections 301.020 and 301.190, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle registration, with penalty provisions.

SB 489—By Loudon.

An Act to repeal section 570.033, RSMo, and to enact in lieu thereof one new section relating to selling animals for research purposes, with penalty provisions.

SB 490—By Koster.

An Act to repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

SB 491—By Klindt.

An Act to repeal sections 302.137, 304.027, 304.028, 476.055, 488.010, 488.012, and 488.5332, RSMo, and to enact in lieu thereof seven new sections relating to court costs, with penalty provisions and an expiration date for certain sections.

SB 492—By Kennedy and Green.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to drug testing of employees at or near a school.

SB 493—By Kennedy and Mayer.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to private investigators, with penalty provisions.

SB 494—By Bray.

An Act to repeal section 650.055, RSMo, and to enact in lieu thereof one new section relating to exoneration using DNA testing.

SB 495—By Mayer.

An Act to repeal section 595.209, RSMo, and to enact in lieu thereof one new section relating to the statewide automated crime victim notification system.

SB 496—By Mayer.

An Act to repeal section 217.105, RSMo, and to enact in lieu thereof one new section relating to the corrections officer certification commission.

SB 497—By Mayer.

An Act to repeal section 304.230, RSMo, and to enact in lieu thereof one new section relating to the Missouri highway safety enforcement division, with a penalty provision.

SB 498—By Mayer.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions.

SB 499—By Mayer.

An Act to repeal section 511.350, RSMo, and to enact in lieu thereof one new section relating to liens on property.

SB 500—By Gibbons, Klindt and Clemens.

An Act to amend chapters 160, 208, and 376, RSMo, by adding thereto seven new sections relating to family cost participation in the Missouri first steps program, with an emergency clause.

SB 501—By Gibbons.

An Act to amend chapter 630, RSMo, by adding thereto four new sections relating to the office of comprehensive child mental health.

SB 502—By Gibbons.

An Act to authorize the conveyance of property owned by the state in St. Louis County to the Manchester United Methodist Church, with an emergency clause.

SB 503—By Cauthorn.

An Act to amend chapter 490, RSMo, by adding thereto seven new sections relating to environmental audit privileges.

SB 504—By Dougherty, Green, Bray, Wheeler, Days, Kennedy, Callahan and Wilson.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the office of inspector general.

SB 505—By Dougherty, Days, Bray, Wheeler, Graham, Green, Wilson, Callahan and Kennedy.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to credit card unlawful practices, with penalty provisions.

SB 506—By Dougherty, Green, Bray, Wheeler, Days, Kennedy, Callahan and Wilson.

An Act to amend chapter 407, RSMo, by adding thereto eight new sections relating to release of personal information to unauthorized persons, with penalty provisions for a certain section.

SB 507—By Graham.

An Act to repeal section 55.160, RSMo, and to enact in lieu thereof one new section relating to inventory of county property.

SB 508—By Wheeler.

An Act to repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment of territories from a public water supply district.

SB 509—By Dolan.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to new market tax credits.

SB 510—By Koster.

An Act to repeal sections 288.121, 288.128, 288.310, and 288.330, RSMo, and to enact in lieu thereof four new sections relating to alternative refinancing to state unemployment debt.

SB 511—By Callahan and Bartle.

An Act to repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to commencement of prosecution.

SB 512—By Callahan and Bartle.

An Act to repeal section 575.270, RSMo, and to enact in lieu thereof one new section relating to tampering with a witness, with penalty provisions.

SB 513—By Callahan and Bartle.

An Act to repeal sections 545.050, 550.040, 550.050, 550.070, and 550.080, RSMo, and to enact in lieu thereof two new sections relating to costs paid by prosecutors.

SB 514—By Ridgeway.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the acknowledgment of God.

SB 515—By Taylor.

An Act to repeal section 163.036, RSMo, and to enact in lieu thereof one new section relating to summer school programs.

SB 516—By Griesheimer.

An Act to repeal section 99.847, RSMo, and to enact in lieu thereof one new section relating to districts providing emergency services.

SB 517—By Shields.

An Act to repeal sections 404.805, 404.830, 404.850, and 404.855, RSMo, and to enact in lieu thereof six new sections relating to surrogate health care decisions.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 147**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 185** be taken up for perfection, which motion prevailed.

President Kinder assumed the Chair.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 185, Page 1, Section 34.209, Line 8, by deleting from said line the following “Require or prohibit” and insert in lieu thereof the following “**Prohibit**”; and

Further amend same section, page 2, lines 13 and 14, by deleting from said lines the following “labor organizations” and insert in lieu thereof the following “**non-union subcontractors**”; and

Further amend same section, page 2, lines 15 to 23, by deleting said lines.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 185**, with **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 192**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 267**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 238**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 268**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Gibbons referred **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SCS** for **SB 147** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Ridgeway.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 482, regarding Brackon Wynn Lundy, Lee's Summit, which was adopted.

Senator Cauthorn offered Senate Resolution No. 483, regarding the One Hundred Second Birthday of Rosemary Gabbert Musil, Louisiana, which was adopted.

Senator Scott offered Senate Resolution No. 484, regarding Beverly Ann Luttrell, Windyville, which was adopted.

Senator Coleman offered Senate Resolution No. 485, regarding the Central Missouri Chapter of Safari Club International, which was adopted.

Senator Ridgeway offered Senate Resolution No. 486, regarding the Order of DeMolay, which was adopted.

Senator Stouffer offered Senate Resolution No. 487, regarding Mr. and Mrs. Derrick Hawkins, Lexington, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 518—By Kennedy and Graham.

An Act to repeal section 191.859, RSMo, and to enact in lieu thereof two new sections relating to the advisory assistive technology council.

SB 519—By Callahan.

An Act to repeal section 64.940, RSMo, and to enact in lieu thereof one new section relating to the Jackson County sports authority.

SB 520—By Callahan and Bartle.

An Act to repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to arrest detention.

SB 521—By Crowell.

An Act to repeal section 26.607, RSMo, and to enact in lieu thereof one new section relating to the powers and duties of the lieutenant governor.

SB 522—By Ridgeway.

An Act to repeal sections 198.032, 198.526, and 198.527, RSMo, and to enact in lieu thereof four new sections relating to long-term care facilities, with penalty provisions.

SB 523—By Cauthorn.

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to distant dental hygienist learning programs, with sunset provisions.

SB 524—By Coleman, Taylor and Ridgeway.

An Act to amend chapter 324, RSMo, by adding thereto twelve new sections relating to naturopathic medicine, with penalty provisions.

SB 525—By Coleman, Days and Wilson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to chronic kidney disease.

SB 526—By Scott.

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

SB 527—By Wilson.

An Act to repeal sections 197.289 and 197.297, RSMo, and to enact in lieu thereof five new sections relating to patient safety, with penalty provisions.

SB 528—By Bray and Days.

An Act to amend chapter 354, RSMo, by adding thereto twenty-one new sections relating to the Missouri universal health assurance program with a contingent effective date for certain sections.

SB 529—By Vogel.

An Act to amend chapters 71 and 92, RSMo, by adding thereto nine new sections relating to assessment and collection of various taxes on telecommunications companies, with a severability clause.

SB 530—By Vogel.

An Act to repeal sections 301.445, 301.447, 301.451, 301.456, 301.3053, 301.3054, 301.3055, 301.3075, 301.3076, 301.3077, 301.3078, 301.3085, 301.3105, 301.3115, 301.3142, and 301.4000, RSMo, and to enact in lieu thereof sixteen new sections relating to fees for specialized license plates.

SB 531—By Klindt.

An Act to repeal supreme court rule 8.07, and to enact in lieu thereof one new supreme court rule relating to the application for bar examination.

SB 532—By Ridgeway.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to medical assistance, with an emergency clause.

SB 533—By Shields.

An Act to repeal section 660.315, RSMo, and to enact in lieu thereof one new section relating to the employee disqualification list, with penalty provisions.

SB 534—By Bartle.

An Act to repeal section 479.230, RSMo, and to enact in lieu thereof one new section relating to absent municipal judges.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 304**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 317**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 269**, with **SCS**, was placed on the Informal Calendar.

Senator Scott moved that **SB 173** be taken up for perfection, which motion prevailed.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 173, Page 3, Section 178.930, Line 56, by inserting after all of said line the following:

“5. The compensation paid to each handicapped worker employed by a sheltered workshop shall be increased in the same proportion as the increase in per diem received by a shelter workshop in subsection 1 of this section.”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Green and Kennedy.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Days	Dougherty
Engler	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—2

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 173, Page 3, Section 178.930, Line 56, by inserting after all of said line the following:

“5. Every handicapped worker shall receive the same fringe benefits, including but not limited to, sick leave, annual leave, health insurance, or retirement benefits, as the employees of the sheltered workshop.”.

Senator Graham moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Graham requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Days, Dolan, Green and Scott.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Crowell—1

Absent with leave—Senators—
None

Vacancies—2

Senator Graham offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 173, Page 3, Section 178.930, Line 56, by inserting after all of said line the following:

“Section 1. Every sheltered workshop shall by January 1st of each year report to the General Assembly on the wages, salaries, and all other fringe benefits paid to each employee or officer of the sheltered workshop.”
and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed.

On motion of Senator Scott, **SB 173** was declared perfected and ordered printed.

Senator Dolan moved that **SB 312**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 312**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 312

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to expanding the membership of the highways and transportation commission.

Was taken up.

Senator Dolan moved that **SCS** for **SB 312** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 312** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 210**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 210**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

An Act to repeal sections 50.530, 64.215, 67.1775, 67.1850, 115.019, 137.115, 205.010, and 488.426, RSMo, section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof eleven new sections relating to county government.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 210** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 210**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

An Act to repeal sections 44.090, 50.530, 64.215, 67.1775, 67.1850, 115.019, 137.115, 205.010, 233.295, 263.245, and 488.426, RSMo, section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof eighteen new sections relating to county government.

Senator Griesheimer moved that **SS** for **SCS** for **SB 210** be adopted.

Senator Crowell assumed the Chair.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 12, Section 67.1305, Line 12 of said page, by striking the word “in” and inserting in lieu thereof the following: “**by**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 5, Section 44.090, Line 10 of said page, by striking the word “persons” and inserting in lieu thereof the following: “**participating political subdivisions**”; and

Further amend line 11 of said page by striking the words “the requesting” and inserting in lieu thereof the following: “**such**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 51, Section 488.429, Line 13, of said page by inserting after all of said line the following:

“[137.750. 1. If a county has an assessment maintenance plan approved pursuant to section 137.115, a portion of all the costs and expenses of the assessor of each county and each city not within a county, incurred for the current quarter in performing all duties necessary to assess and maintain equalized assessed valuations of real property, making real and personal property assessments and preparing abstracts of assessment lists, shall be reimbursed by the state. The state shall reimburse up to sixty percent of all the current and past unreported quarterly costs and expenses of the assessor of each county and each city not within a county based on compliance with the state tax commission approved assessment and equalization maintenance plan. The state shall reimburse each eligible county a minimum of three dollars per parcel for up to twenty thousand parcels, but no further reimbursements shall be made until the county has expended at least two-thirds of that amount of money for assessment maintenance from its assessment fund. The annual state reimbursement to any county pursuant to this section in 2000 shall not exceed seven dollars per parcel of real property in the county and each year thereafter such maximum amount may be increased by up to three percent, but the amount reimbursed by the state shall not exceed sixty percent of the actual costs and expenses incurred, except that counties entitled to only the three-dollar per parcel minimum shall receive one-fourth of the state's contribution each quarter.

2. The governing body of each county and city not within a county which seeks or will seek reimbursement under any provision of this section or section 137.720 shall establish a fund to be known as the “Assessment Fund”, to be used solely as a depository for funds received by the county or city pursuant to this section and sections 137.037 and 137.720, from the general revenue fund of the county or other sources for the purpose of funding the costs and expenses incurred in implementing an assessment and equalization maintenance plan approved under section 137.115 and for assessing real and personal property.

3. All counties and cities not within a county seeking state funds under this section shall submit a certified copy of their costs and expenses to the commissioner of the office of administration not later than the thirtieth day of the quarter immediately following the quarter for which such state funds are sought. The commissioner of the office of administration shall, in such form as may be prescribed by rule, certify that the county requests for reimbursement are consistent with the assessment and equalization maintenance plan approved by the state tax commission as provided in section 137.115, and shall pay the state's share out of funds appropriated for that purpose quarterly to each eligible county and city to reimburse such county or city for reimbursable costs and expenses incurred in the previous calendar quarter.

4. (1) The following costs and expenses shall not qualify for state reimbursement or reimbursement from tax moneys withheld from political subdivisions:

- (a) Premiums for property and casualty insurance and liability insurance;
 - (b) Depreciation, interest, building and ground maintenance, fuel and utility costs, and other indirect expenses which can be classified as the overhead expenses of the assessor's office;
 - (c) Purchases of motor vehicles;
- (2) Costs and expenses which shall qualify for state reimbursement, but only if identified in the county maintenance plan and subsequently specifically approved by the state tax commission, shall include:
- (a) Salaries and benefits of data processing and legal personnel not directly employed by the assessor;
 - (b) Costs and expenses for computer software, hardware, and maintenance;

- (c) Costs and expenses of any additional office space made necessary in order to carry out the county's maintenance plan;
- (d) Costs of leased equipment;
- (e) Costs of aerial photography.]”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 7, Section 64.215, Line 15 of said page, by inserting after all of said line the following:

“64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals,

concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

3. Any expenditure made by the authority located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, that is over five thousand dollars, including professional service contracts, must be competitively bid.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Pages 18-22, Section 67.1775, by striking said section from the bill and inserting in lieu thereof the following:

“67.1775. 1. The governing body of a city not within a county, or any county of this state may, after voter

approval [pursuant to] **under** this section, levy a sales tax not to exceed one-quarter of a cent in the county **or city** for the purpose of providing services described in section 210.861, RSMo, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The question shall be submitted to the qualified voters of the county **or city** at a county **or city** or state general, primary or special election upon the motion of the governing body of the county **or city** or upon the petition of eight percent of the qualified voters of the county **or city** determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county **or city** shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County **or city**, **solely for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families**, be authorized to levy a sales tax of (not to exceed one-quarter of a cent) in the county [for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth nineteen years of age or less and to strengthen families]?

☐ YES ☐ NO

[If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.]

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director receives notification of the local sales tax. If a question receives less than the required majority, then the governing authority of the city or county shall have no power to impose the sales tax unless and until the governing authority of the city or county has submitted another question to authorize the imposition of the sales tax authorized by this section and such question is approved by the required majority of the qualified voters voting thereon. However, in no event shall a question under this section be submitted to the voters sooner than twelve months from the date of the last question under this section.

2. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed under this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue.

3. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for the cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special fund, which is hereby created, to be known as the "Community Children's Services Fund". The moneys in the city or county community children's services fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of each city or county and the general public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the fund during the preceding month by distributing to the city or county treasurer, or such other officer as may be designated by a city or county ordinance or order, of each city or county imposing the tax authorized by this section, the sum, as certified by the director of revenue, due the city or county.

4. The director of revenue may authorize the state treasurer to make refunds from the amounts in the fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties. Each city or county shall notify the director of revenue at least ninety days prior to the effective date of the expiration of the sales tax authorized by

this section and the director of revenue may order retention in the fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of such tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the date of expiration of the tax authorized by this section in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury **or, in a city not within a county, to the board established by law to administer such fund** to the credit of a special “Community Children's Services Fund” **to accomplish the purposes set out herein and in section 210.861, RSMo, and shall be used for no other purpose.** Such fund shall be administered by a board of directors, established [pursuant to] **under** section 210.861, RSMo.”; and

Further amend said bill, Page 43, Section 205.010, Line 23, by inserting after all of said line the following:

“210.860. 1. The governing body of any county or city not within a county may, after voter approval pursuant to this section, levy a tax not to exceed twenty-five cents on each one hundred dollars of assessed valuation on taxable property in the county for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less **and those services described in section 210.861.** The question shall be submitted to the qualified voters of the county or city not within a county at a county or state general, primary or special election upon the motion of the governing body of the county or city not within a county or upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county or city not within a county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county or city not within a county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County (City) be authorized to levy a tax of cents on each one hundred dollars of assessed valuation on taxable property in the county (city) for the purpose of establishing a community children's services fund for purposes of providing funds for counseling and related services to children and youth in the county (city) eighteen years of age or less and services which will promote healthy lifestyles among children and youth and strengthen families?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county or city not within a county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury **or, in a city not within a county, to the board established by law to administer such fund** to the credit of a special “Community Children's Services Fund” **to accomplish the purposes set out herein and shall be used for no other purpose.** Such fund shall be administered by **and expended only upon approval by** a board of directors, established pursuant to section 210.861.

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775, RSMo, is established, the governing body of the **city or** county shall appoint a board of directors consisting of nine members, who shall be residents of the **city or** county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. In a city not within a county, or any county of the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand

inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand inhabitants the members of the community mental health board of trustees appointed pursuant to the provisions of sections 205.975 to 205.990, RSMo, shall be the board members for the community children's services fund. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his duties and faithful accounting of all moneys that may come into his hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The board shall administer **and expend** all funds generated pursuant to section 210.860 or section 67.1775, RSMo, in a manner consistent with this section.

3. The board may contract with public or not-for-profit agencies licensed or certified where appropriate to provide qualified services and may place conditions on the use of such funds. The board shall reserve the right to audit the expenditure of any and all funds. The board and any agency with which the board contracts may establish eligibility standards for the use of such funds and the receipt of services. No member of the board shall serve on the governing body, have any financial interest in, or be employed by any agency which is a recipient of funds generated pursuant to section 210.860 or section 67.1775, RSMo.

4. Revenues collected and deposited in the community children's services fund may be expended for the purchase of the following services:

(1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or emotionally disturbed youth; respite care services; and services to unwed mothers;

(2) Outpatient chemical dependency and psychiatric treatment programs; counseling and related services as a part of transitional living programs; home-based and community-based family intervention programs; unmarried parent services; crisis intervention services, inclusive of telephone hotlines; and prevention programs which promote healthy lifestyles among children and youth and strengthen families;

(3) Individual, group, or family professional counseling and therapy services; psychological evaluations; and mental health screenings.

5. Revenues collected and deposited in the community children's services fund may not be expended for inpatient medical, psychiatric, and chemical dependency services, or for transportation services.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 49, Section 488.426, Line 25 of said page, by inserting immediately after the word “inhabitants” the following: “**and any county of the first classification with more than one hundred four thousand six hundred but fewer than one hundred four thousand seven hundred inhabitants**”.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 7, Section 64.215, Line 15, by inserting after all of said line the following:

“**67.055. After September 1, 2005, no fund shall be created to be used as a depository for moneys received or collected to fund additional costs and expenses incurred by any county office. Any moneys received or collected**

to fund additional costs and expenses incurred by any county office, excluding any moneys collected under any section in effect before September 1, 2005, shall be deposited in the general revenue fund of the county.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 6, Section 50.530, Line 2 of said page, by inserting after all of said line the following:

“55.160. The auditor of each county of the first class not having a charter form of government and of each county of the second class shall keep an inventory of all county property under the control and management of the various officers and departments and shall annually take an inventory of such property at an original value of [two hundred fifty] **one thousand** dollars or more showing the amount, location and estimated value thereof. [He] **The auditor** shall keep accounts of all appropriations and expenditures made by the county commission, and no warrant shall be drawn or obligation incurred without [his] **the auditor's** certification that an unencumbered balance, sufficient to pay the same, remain in the appropriate account or in the anticipated revenue fund against which such warrant or obligation is to be charged. [He] **The auditor** shall audit the accounts of all officers of the county annually or upon their retirement from office. The auditor shall audit, examine and adjust all accounts, demands, and claims of every kind and character presented for payment against the county, and shall in [his] **the auditor's** discretion approve to the county commission of the county all lawful, true, just and legal accounts, demands and claims of every kind and character payable out of the county revenue or out of any county funds before the same shall be allowed and a warrant issued therefor by the commission. Whenever the auditor thinks it necessary to the proper examination of any account, demand or claim, [he] **the auditor** may examine the parties, witnesses, and others on oath or affirmation touching any matter or circumstance in the examination of such account, demand or claim before [he] **the auditor** allows same. The auditor shall not be personally liable for any cost for any proceeding instituted against [him] **the auditor** in [his] **the auditor's** official capacity. The auditor shall keep a correct account between the county and all county and township officers, and shall examine all records and settlements made by them for and with the county commission or with each other, and the auditor shall, whenever [he] **the auditor** desires, have access to all books, county records or papers kept by any county or township officer or road overseer. The auditor shall, during the first four days of each month, strike a balance in the case of each county and township officer, showing the amount of money collected by each, the amount of money due from each to the county, and the amount of money due from any source whatever to such office, and the auditor shall include in such balance any fees that have been returned to the county commission or to the auditor as unpaid and which since having been returned have been collected.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 25, Section 67.1850, Line 14 of said page, by inserting immediately after said line the following:

“110.130. 1. Subject to the provisions of section 110.030 the county commission of each county in this state, at the [May] **April** term, in [May] **April** 1997 and every fourth year thereafter, with an option to rebid in each odd-numbered year, shall receive proposals from banking corporations or associations at the county seat of the county which desire to be selected as the depositaries of the funds of the county. For the purpose of letting the funds the county commission shall, by order of record, divide the funds into not less than two nor more than twelve equal parts, except that in counties of the first class not having a charter form of government, funds shall be divided in not less than two nor more than twenty equal parts, and the bids provided for in sections 110.140 and 110.150 may be for one or more of the parts.

2. Notice that such bids will be received shall be published by the clerk of the commission twenty days before the

commencement of the term in some newspaper published in the county, and if no newspaper is published therein, then the notice shall be published at the door of the courthouse of the county. In counties operating under the township organization law of this state, township boards shall exercise the same powers and privileges with reference to township funds as are conferred in sections 110.130 to 110.260 upon county commissions with reference to county funds at the same time and manner, except that township funds shall not be divided but let as an entirety; and except, also, that in all cases of the letting of township funds, three notices, posted in three public places by the township clerk, will be a sufficient notice of such letting.

110.150. 1. The county commission, at noon on the first day of the [May] **April** term in 1997 and every second or fourth year thereafter, shall publicly open the bids, and cause each bid to be entered upon the records of the commission, and shall select as the depositaries of all the public funds of every kind and description going into the hands of the county treasurer, and also all the public funds of every kind and description going into the hands of the ex officio collector in counties under township organization, the deposit of which is not otherwise provided for by law, the banking corporations or associations whose bids respectively made for one or more of the parts of the funds shall in the aggregate constitute the largest offer for the payment of interest per annum for the funds; but the commission may reject any and all bids.

2. The interest upon each fund shall be computed upon the daily balances with the depositary, and shall be payable to the county treasurer monthly, who shall place the interest on the school funds to the credit of those funds respectively, the interest on all county hospital funds and hospital district funds to the credit of those funds, the interest on county health center funds to the credit of those funds, the interest on county library funds to the credit of those funds and the interest on all other funds to the credit of the county general fund; provided, that the interest on any funds collected by the collector of any county of the first class not having a charter form of government on behalf of any political subdivision or special district shall be credited to such political subdivision or special district.

3. The county clerk shall, in opening the bids, return the certified checks deposited with him to the banks whose bids are rejected, and on approval of the security of the successful bidders return the certified checks to the banks whose bids are accepted.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 25, Section 67.1850, Line 14 of said page by inserting after all of said line the following: **“67.2535. Any charter county with a population of at least two hundred fifty thousand adjoining a charter county with a population of at least nine hundred thousand may conduct and pay for the monitoring of blasting operations, whether the blasting operation is located in an unincorporated area of the county or within the limits of a village, town, city, or municipality located within the county.”**; and further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 6, Section 50.530, Line 2, by inserting immediately after said line the following

“50.757. 1. It shall be the duty of the county purchasing agent, if one is appointed, to purchase all supplies of whatever kind or nature necessary for the conduct of the business of the county in all its departments; and the county shall not be liable for any debts except upon the written order of such purchasing agent, who shall make purchases only from those offering the lowest price, quality considered, and the purchasing agent is not authorized to purchase supplies of higher quality or price than is reasonably required for the purpose to which they are to be applied.

2. The purchasing agent may reject any or all bids for the sale of articles and supplies for the use of the county.

3. When purchasing supplies for the conduct of business of the county, purchasing agents shall give preference to supplies manufactured in the United States of America.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 29, Section 137.071, Line 21 of said page by inserting immediately after the word “year” the following: “, **but shall adjust its rate or rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year**”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **SB 210**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 210**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 98**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 347**, entitled:

An Act to amend chapter 431, RSMo, by adding thereto seven new sections relating to resolution of disputes concerning alleged defective residential construction.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 468**, entitled:

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.440, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof sixteen new sections relating to the state treasurer, with penalty provisions.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 286**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 38**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 156**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 209**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 227**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 233**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 247**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

President Pro Tem Gibbons assumed the Chair.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 535—By Vogel.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales and use taxes.

SB 536—By Bartle.

An Act to repeal section 441.065, RSMo, and to enact in lieu thereof one new section relating to disposal of tenant property.

SB 537—By Bartle.

An Act to repeal sections 534.380 and 535.110, RSMo, and to enact in lieu thereof two new sections relating to the posting of cash bonds to stay execution in certain landlord tenant proceedings.

SB 538—By Bartle.

An Act to repeal sections 534.070, 534.090, 534.355, and 535.030, RSMo, and to enact in lieu thereof four new sections relating to landlord and tenant law.

SB 539—By Purgason, Crowell, Nodler, Bartle, Dolan, Gross, Gibbons and Ridgeway.

An Act to repeal sections 178.661, 178.662, 178.664, 178.666, 178.669, 178.671, 178.673, 208.146, 208.151, 208.152, 208.162, 208.225, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568, 208.571, 453.072, and 453.073, RSMo, and to enact in lieu thereof twenty-seven new sections relating to health care and social services, with penalty provisions.

SB 540—By Bray.

An Act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

SB 541—By Callahan.

An Act to repeal section 99.805, RSMo, and to enact in lieu thereof one new section relating to tax increment financing.

SB 542—By Callahan.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to convicted criminals seeking public office.

SB 543—By Callahan.

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to Jackson county official term limits.

SB 544—By Gross.

An Act to repeal section 67.1754, RSMo, and to enact in lieu thereof one new section relating to sales tax for park purposes.

SB 545—By Loudon and Griesheimer.

An Act to amend chapter 620, RSMo, by adding thereto eleven new sections relating to the establishment of the quality jobs program, with penalty provisions.

SB 546—By Loudon and Kennedy.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax refund for certain purchases of motor vehicles.

SB 547—By Loudon.

An Act to repeal section 459.045, RSMo, and to enact in lieu thereof one new section relating to life support decisions for patients in terminal conditions.

SB 548—By Loudon.

An Act to amend chapter 621, RSMo, by adding thereto fifteen new sections relating to a state central hearing agency, with an effective date.

SB 549—By Green.

An Act to repeal sections 105.473 and 136.055, RSMo, and to enact in lieu thereof two new sections relating to prohibiting certain contacts between relatives of public officials and governmental entities.

SB 550—By Mayer and Dougherty.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for persons making contributions to religious or charitable organizations.

SB 551—By Mayer.

An Act to repeal section 210.110, RSMo, and to enact in lieu thereof one new section relating to child protection.

SB 552—By Mayer.

An Act to repeal sections 383.160 and 383.165, RSMo, and to enact in lieu thereof two new sections relating to the medical malpractice joint underwriting association.

SB 553—By Mayer.

An Act to repeal section 265.300, RSMo, and to enact in lieu thereof one new section relating to meat inspection.

SB 554—By Griesheimer.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to the licensing of business brokers.

SB 555—By Shields.

An Act to amend chapter 192, RSMo, by adding thereto ten new sections relating to the personal care assistance program, with penalty provisions.

SB 556—By Gibbons, Crowell, Dolan, Purgason, Nodler, Gross, Loudon, Griesheimer, Ridgeway, Bartle, Shields and Engler.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to health care and social services, with an expiration date.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Steve Tilley, Brad Robinson and students, Peggy Ropelle, Rusty Straughan, Gil Kennon, Mark Potratz, Annette Barton, Jennifer Butchart, Jennifer Howell, Sandra Skaggs, Debbie Lee, Terry Barnes, Steve Kurtz, Jean Merrill-Doss, Kyle Gerdeman, Nica Barca, Chris Warren, Nicki Johnson, Rachel Ford and Michael Gott from Mineral Area College, St. Francois County.

Senator Kennedy introduced to the Senate, Gary Isaacson, Crestwood; and Chris Bathe, St. Louis; students from St. Louis Community College-Meramec.

Senator Griesheimer introduced to Senate, Mr. Yang Quanshe, Mr. Zhao Xuejun, Mr. Li Shaobo and Mr. Sun Maozhang, Hebei, China.

Senator Loudon introduced to the Senate, Warren and Erica Popp, Town and Country; and Joe Link, Chesterfield; students from St. Louis Community College-Meramec.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Janet Rader, M.D. and her son, Eliot Sam Markman, Clayton; and Eliot was made an honorary page.

Senator Cauthorn introduced to the Senate, Tim Taylor, Betsy LaRue, Melinda Bastina, Tammy Shaw and Allision Popp, and eighteen kindergarten through eighth grade students, T.E.A.C.H. Homeschoolers, Mexico.

Senator Kennedy introduced to the Senate, Lisa Sommerhauser, Darlene McGee and Chuck McPherson, St. Louis.

Senator Kennedy introduced to the Senate, Cyril Furrer, Sunset Hills.

Senator Gibbons introduced to the Senate, David Clay, Glendale.

Senator Kennedy introduced to the Senate, Jennifer Moulton, Jamie Burns, Julie Minnick, Tyler Johnson, Carlie Bayes, Kaylyn Lato, Casey Turner, Robert Whitson and Andrea Colletti, St. Louis; and Andy Van Ronzelen, Oakville; students from Meramec Community College, St. Louis.

Senator Scott introduced to the Senate, David Orushka, Jeff Carver, Wayne Goosen and Ben Embree, Sedalia.

Senator Scott introduced to the Senate, Felicia Hughes, Warsaw; and Spencer Hunley, Kansas City; students from Maple Woods Community College, Kansas City.

Senator Callahan introduced to the Senate, Travis Pflanz, Grandview; and Henry Tilsan, Justin Sherman, Boone Jordan and Keet Kopecky, Lee's Summit; students from Longview Community College, Lee's Summit.

Senator Ridgeway introduced to the Senate, Monette and David Anderson and their children, Karen and Michael, and their Grandmother Kay

Roth; Homeschoolers from Liberty.

Senator Dolan introduced to the Senate, Representative Jim Avery, Crestwood.

On behalf of Senator Ridgeway, the President introduced to the Senate, Verlee Gilkerson, Kelli Walker, Kristi Fuller, Angela Pucket, Charlie Randolph and Melissa Marr; students from Maple Woods Community College, Kansas City; and Kathy Hale, Lee's Summit.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY–WEDNESDAY, MARCH 2, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 424-Callahan and Bartle

SB 425-Callahan and Bartle

SB 426-Callahan

SB 427-Callahan

SB 428-Callahan
SB 429-Callahan
SB 430-Callahan
SB 431-Callahan
SB 432-Stouffer
SB 433-Stouffer
SB 434-Cauthorn
SB 435-Wilson
SB 436-Bray
SB 437-Bray
SB 438-Bartle and Callahan
SB 439-Bartle and Callahan
SB 440-Ridgeway
SB 441-Ridgeway
SB 442-Ridgeway
SB 443-Taylor
SB 444-Taylor
SB 445-Taylor
SB 446-Crowell
SB 447-Crowell
SB 448-Crowell

SB 449-Crowell
SB 450-Dolan
SB 451-Dolan
SB 452-Dolan
SB 453-Loudon
SB 454-Loudon
SB 455-Loudon
SB 456-Nodler
SB 457-Wheeler, et al
SB 458-Wheeler and Bray
SB 459-Green
SB 460-Koster
SB 461-Koster
SB 462-Klindt
SB 463-Gross
SB 464-Vogel
SB 465-Vogel
SB 466-Vogel
SB 467-Griesheimer
SB 468-Griesheimer
SB 469-Griesheimer
SB 470-Engler
SB 471-Engler
SB 472-Coleman and Days
SB 473-Kennedy
SB 474-Kennedy

SB 475-Kennedy
SB 476-Scott
SB 477-Scott
SB 478-Scott
SB 479-Scott
SB 480-Shields
SB 481-Shields
SB 482-Cauthorn
SB 483-Cauthorn
SB 484-Stouffer
SB 485-Days and Green
SB 486-Engler
SB 487-Engler
SB 488-Engler
SB 489-Loudon
SB 490-Koster
SB 491-Klindt
SB 492-Kennedy and Green
SB 493-Kennedy and Mayer
SB 494-Bray
SB 495-Mayer
SB 496-Mayer
SB 497-Mayer
SB 498-Mayer
SB 499-Mayer
SB 500-Gibbons, et al
SB 501-Gibbons
SB 502-Gibbons
SB 503-Cauthorn
SB 504-Dougherty, et al
SB 505-Dougherty, et al
SB 506-Dougherty, et al
SB 507-Graham
SB 508-Wheeler
SB 509-Dolan
SB 510-Koster
SB 511-Callahan and Bartle
SB 512-Callahan and Bartle
SB 513-Callahan and Bartle
SB 514-Ridgeway
SB 515-Taylor

SB 516-Griesheimer
SB 517-Shields
SB 518-Kennedy and Graham
SB 519-Callahan
SB 520-Callahan and Bartle
SB 521-Crowell

SB 522-Ridgeway
SB 523-Cauthorn
SB 524-Coleman, et al
SB 525-Coleman, et al
SB 526-Scott
SB 527-Wilson
SB 528-Bray and Days
SB 529-Vogel
SB 530-Vogel
SB 531-Klindt
SB 532-Ridgeway
SB 533-Shields
SB 534-Bartle
SB 535-Vogel
SB 536-Bartle
SB 537-Bartle
SB 538-Bartle
SB 539-Purgason, et al
SB 540-Bray
SB 541-Callahan
SB 542-Callahan
SB 543-Callahan
SB 544-Gross
SB 545-Loudon and Griesheimer
SB 546-Loudon and Kennedy
SB 547-Loudon
SB 548-Loudon
SB 549-Green
SB 550-Mayer and Dougherty
SB 551-Mayer
SB 552-Mayer

SB 553-Mayer
SB 554-Griesheimer
SB 555-Shields
SB 556-Gibbons, et al
SJR 20-Shields

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347

HCS for HB 468

THIRD READING OF SENATE BILLS

SCS for SB 147-Cauthorn (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 187-Cauthorn and Clemens

SB 237-Klindt, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)

SB 32-Bartle, with SCS & SS for SCS

(pending)

SB 179-Griesheimer, et al, with SCS

(pending)

SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS & SS#2 for SCS

(pending)

SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/23

SB 252-Koster, et al, with SCS

SB 177-Shields

SB 342-Bartle

Reported 2/28

SB 240-Scott

SB 241-Scott

SB 222-Callahan, with SCS

SB 257-Koster

SB 258-Koster, with SCS

SB 259-Koster

SB 260-Koster, with SCS

SB 262-Griesheimer, with SCS

SB 285-Clemens and Klindt

SB 155-Mayer, with SCS

SBs 103 & 115-Bartle, with SCS

SB 42-Days

SB 57-Klindt, with SCS

SB 318-Crowell

SB 246-Days, with SCS

SB 280-Taylor

SB 73-Champion, with SCS

Reported 3/1

SB 192-Engler

SB 236-Klindt and Clemens

SB 267-Gibbons, with SCS

SB 238-Gross, with SCS

SB 268-Gibbons and Coleman

SB 304-Ridgeway and Shields

SB 317-Mayer, et al

SB 161-Gross, with SCS

SB 266-Gibbons, with SCS

SB 286-Nodler

SB 38-Nodler and Taylor

SB 156-Shields

SB 209-Koster

SB 227-Engler, with SCS

SB 233-Stouffer, with SCS

SB 247-Dolan, with SCS

RESOLUTIONS

To be Referred

SCR 7-Loudon

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY—WEDNESDAY, MARCH 2, 2005

The Senate met pursuant to adjournment.

Senator Ridgeway in the Chair.

Reverend Carl Gauck offered the following prayer:

“For you have not received the spirit of bondage, whereby we cry, Abba, Father.” (Romans 8:5)

Heavenly Father let us never be afraid to kneel before You and confess our need of Your help and forgiveness. In times of sorrow and hurts, troubles and heartaches and especially those times we have failed You, help us to remember that You are truly our Father and we are Your children. Let us with boldness and confidence ask as dear children to trust always in Your love and mercy and find grace in times of need. And may we love You with childlike affection all the days of our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from Triumph Documentaries were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

President Pro Tem Gibbons assumed the Chair.

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 488, regarding the First Baptist Church, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 489, regarding the birth of Jacob Craig Wayne Frerking, Lee's Summit, which was adopted.

Senator Stouffer offered Senate Resolution No. 490, regarding the birth of Jordan Levi Kleiboeker, California, which was adopted.

Senator Stouffer offered Senate Resolution No. 491, regarding the birth of Elizabeth Marie Ratliff, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 492, regarding Justin Twenter, Pilot Grove, which was adopted.

Senator Crowell offered Senate Resolution No. 493, regarding Kim Martin, Biehle, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 98**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 173**; and **SCS** for **SB 312**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **SB 98**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SS for **SCS** for **SB 98**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 2** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Champion	Clemens	Coleman	Crowell
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Days Dolan—2

Absent with leave—Senators—
None

Vacancies—2

Senator Crowell moved that **SCR 3** be taken up for adoption, which motion prevailed.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 3, Page 1, Lines 18 and 19, by striking the words “February 14, 2005” and insert in lieu thereof the following: “February 14th”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Crowell, **SCR 3**, as amended, was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Purgason—1

Absent with leave—Senators—
None

Vacancies—2

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 179**, with **SCS** (pending), be called from the Informal Calendar and again be taken up for perfection, which motion prevailed.

SCS for **SB 179** was again taken up.

Senator Griesheimer offered **SS** for **SCS** for **SB 179**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 179

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to cost recovery for utility companies.

Senator Griesheimer moved that **SS** for **SCS** for **SB 179** be adopted.

Senator Ridgeway assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 179, Page 5, Section 386.266, Line 18, by inserting immediately after said line the following:

“386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, **alleging that a public utility’s rates are excessive, or otherwise** setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission[; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service].

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or decisions of the commission the same rule shall apply with regard to the joinder of causes and parties as herein provided.

3. The commission shall not be required to dismiss any complaint because of the absence of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the public utility, corporation or person complained of.

4. Service in all hearings, investigations and proceedings pending before the commission may be made upon any person upon whom summons may be served in accordance with the provisions of the code of civil procedure of this state, and may be made personally or by mailing in a sealed envelope with postage prepaid.

5. The commission shall fix the time when and the place where a hearing will be had upon the complaint and shall serve notice thereof, not less than ten days before the time set for such hearing, unless the commission shall find that the public necessity requires that such hearing be held at an earlier date.

6. If the complaint alleges that a public utility's rates are excessive, the public utility shall, within thirty days or such lesser time as may be prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the petition in excess of rates and charges finally determined by the commission to be lawful, with interest thereon at the legal rate. If, upon hearing, the commission finds that the public utility's rates are unlawful, the commission shall order a refund, with interest, at the legal rate of amounts collected after the date of filing of the petition that are determined to be in excess of the amounts which would have been collected under the rates finally approved. In any hearing upon a complaint brought under this subsection, the complainant or complainants shall have the obligation to present evidence to preliminarily support the alleged overcharge; provided, however, that the burden of proof to show that the existing rate or the rate complained against is just and reasonable at all times shall be upon the public utility.

7. The commission shall issue a final order deciding any complaint pursuant to this section within eleven months of the filing of the complaint.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

At the request of Senator Griesheimer, **SB 179**, with **SCS, SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Gibbons referred **SB 173** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 424—Judiciary and Civil and Criminal Jurisprudence.

SB 425—Judiciary and Civil and Criminal Jurisprudence.

SB 426—Judiciary and Civil and Criminal Jurisprudence.

SB 427—Transportation.

SB 428—Small Business, Insurance and Industrial Relations.

SB 429—Ways and Means.

SB 430—Ways and Means.

SB 431—Economic Development, Tourism and Local Government.

SB 432—Agriculture, Conservation, Parks and Natural Resources.

SB 433—Aging, Families, Mental and Public Health.

SB 434—Governmental Accountability and Fiscal Oversight.

SB 435—Judiciary and Civil and Criminal Jurisprudence.

SB 436—Ways and Means.

SB 437—Commerce, Energy and the Environment.

SB 438—Judiciary and Civil and Criminal Jurisprudence.

SB 439—Judiciary and Civil and Criminal Jurisprudence.

SB 440—Ways and Means.

SB 441—Transportation.

SB 442—Judiciary and Civil and Criminal Jurisprudence.

SB 443—Small Business, Insurance and Industrial Relations.

SB 444—Small Business, Insurance and Industrial Relations.

SB 445—Transportation.
SB 446—Education.
SB 447—Pensions, Veterans’ Affairs and General Laws.
SB 448—Judiciary and Civil and Criminal Jurisprudence.
SB 449—Pensions, Veterans’ Affairs and General Laws.
SB 450—Economic Development, Tourism and Local Government.
SB 451—Judiciary and Civil and Criminal Jurisprudence.
SB 452—Financial and Governmental Organi-zations and Elections.
SB 453—Economic Development, Tourism and Local Government.
SB 454—Education.
SB 455—Education.
SB 456—Small Business, Insurance and Industrial Relations.
SB 457—Aging, Families, Mental and Public Health.
SB 458—Aging, Families, Mental and Public Health.
SB 459—Small Business, Insurance and Industrial Relations.
SB 460—Small Business, Insurance and Industrial Relations.
SB 461—Judiciary and Civil and Criminal Jurisprudence.
SB 462—Commerce, Energy and the Environment.
SB 463—Pensions, Veterans’ Affairs and General Laws.
SB 464—Ways and Means.
SB 465—Transportation.
SB 466—Pensions, Veterans’ Affairs and General Laws.
SB 467—Agriculture, Conservation, Parks and Natural Resources.
SB 468—Economic Development, Tourism and Local Government.
SB 469—Economic Development, Tourism and Local Government.
SB 470—Economic Development, Tourism and Local Government.
SB 471—Transportation.
SB 472—Financial and Governmental Organi-zations and Elections.
SB 473—Education.
SB 474—Governmental Accountability and Fiscal Oversight.
SB 475—Education.
SB 476—Financial and Governmental Organi-zations and Elections.
SB 477—Ways and Means.
SB 479—Financial and Governmental Organi-zations and Elections.
SB 480—Education.
SB 481—Education.
SB 482—Agriculture, Conservation, Parks and Natural Resources.
SB 483—Agriculture, Conservation, Parks and Natural Resources.
SJR 20—Education.

REFERRALS

President Pro Tem Gibbons referred **SCR 7** to the Committee on Rules, Joint Rules, Resolutions and Ethics.
On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 494, regarding Larry Langewisch, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 495, regarding Al “Red” Oswald, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 496, regarding Mark Callier, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 497, regarding Madge Vanatta, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 498, regarding Michelle “Sis” Fanning, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 499, regarding David Dickherber, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 500, regarding Jerry Burges, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 501, regarding Gary Kinder, which was adopted.
Senators Gross and Dolan offered Senate Resolution No. 502, regarding Frank Deniszozuk, which was adopted.
Senator Gibbons offered Senate Resolution No. 503, regarding the Webster Groves Lions Club, which was adopted.
Senator Gibbons offered Senate Resolution No. 504, regarding Wheeler Rand Compton, Kirkwood, which was adopted.
Senator Gibbons offered Senate Resolution No. 505, regarding James Edward Bild, Crestwood, which was adopted.
Senator Champion offered Senate Resolution No. 506, regarding Jim Vaughan, which was adopted.
Senator Champion offered Senate Resolution No. 507, regarding Paul Mullins, which was adopted.
Senator Champion offered Senate Resolution No. 508, regarding Gail Fredrick, which was adopted.
Senator Champion offered Senate Resolution No. 509, regarding the One Hundredth Birthday of Opha Pansy Denney, Springfield, which was adopted.
Senator Griesheimer offered Senate Resolution No. 510, regarding the Fiftieth Birthday of Perry Lee Moore, Hardin, Illinois, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 210**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 179**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Dougherty was recognized to interrogate Senator Griesheimer.

Senator Bray rose to inquire of Senator Griesheimer, noting that under the provisions of **SR 65**, she as sponsor of the pending amendment should have been recognized first when the bill was brought before the body.

SA 1 was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of **SA 1** and was joined in her request by Senators Coleman, Days, Kennedy and Wilson.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Kennedy	Wheeler	Wilson—7	

NAYS—Senators

Bartle	Callahan	Cauthorn	Champion
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Clemens	Crowell	Dolan	Engler
Gibbons	Green	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—2

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 179, Page 5, Section 386.266, Line 18, by inserting after all of said line the following:

“Section 1. Any utility proposing to construct a power plant in the state of Missouri shall employ only residents of the state in the construction of the power plant.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Graham and Green.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Dougherty
Green	Kennedy	Wilson—7	

NAYS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senator Wheeler—1

Absent with leave—Senators—

None

Vacancies—2

Senator Shields offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 179, Page 5, Section 386.266, Line 18 of said page, by inserting after all of said line the following:

“13. The public service commission shall appoint a task force, consisting of all interested parties, to study and make recommendations on the cost recovery and implementation of conservation and weatherization programs for electrical and gas corporations.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 179, Page 3, Section 386.266, Line 15, by deleting the word and number “and 2” and inserting in lieu thereof “, 2 and 3”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Green, Kennedy and Wilson.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Kennedy	Wheeler	Wilson—7	
NAYS—Senators			
Bartle	Callahan	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Green	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—2

Senator Griesheimer moved that **SS** for **SCS** for **SB 179**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, SS for SCS for SB 179, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 511, regarding the One Hundred Second Birthday of Lorene Fick, Independence, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 1, 2005

Senator Michael Gibbons

Senate Pro Tem

State Capitol Building

Jefferson City, MO 65101

Dear Senator Gibbons:

This is to notify you of my resignation from the Second State Capitol Commission effective immediately.

I have enjoyed my time on the committee and appreciate the opportunity to have served.

If you have any questions, please feel free to contact me.

Sincerely,

/s/ Carl M. Vogel

CARL M. VOGEL

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Rebecca Pollock and Brenda Dumler, Lee's Summit.

Senator Engler introduced to the Senate, Kara Bonnell, Ste. Genevieve.

Senator Gross introduced to the Senate, Sharon Berkel and ten families from the Jeremiah Home Schoolers Network of St. Charles County.

Senator Clemens introduced to the Senate, Lacy Monteleone and Sara Thompson, Seymour.

Senator Stouffer introduced to the Senate, Laura Tebbenkamp, Salisbury; and Holly Anne Bellis, Norborne.

Senator Taylor introduced to the Senate, Crystal Boles, Eagle Rock.

Senator Purgason introduced to the Senate, Mika Summers, Couch.

Senator Champion introduced to the Senate, members of the Junior League of Springfield and members of Missouri Junior League.

Senator Crowell introduced to the Senate, Tori Jo Boren, Bell City.

Senator Wheeler introduced to the Senate, Kiera Bartee, Grandview.

Senator Klindt introduced to the Senate, Heather Niece, Maysville.

Senator Bray introduced to the Senate, Joe Mulligan and his son, Connor, Olivette; and Connor was made an honorary page.

Senator Koster introduced to the Senate, Elizabeth Simmons, Holden.

Senator Scott introduced to the Senate, his daughter, Tiffany Scott, Columbia.

Senator Scott introduced to the Senate, Sarah Howard, Hickory County.

Senator Scott introduced to the Senate, Gary Farr and Leadership Sedalia.

Senator Vogel introduced to the Senate, Emma Raithel, Russellville.

Senator Clemens introduced to the Senate, Danny Patterson, Seymour; and Gary Gross, Tipton.

Senator Nodler introduced to the Senate, Shawna Garnett, Greenfield.

On behalf of Senator Ridgeway, the President introduced to the Senate, Mark James, Liberty.

Senator Graham introduced to the Senate, Jessica Bennett, Moberly; and Samara Fagin, Huntsville.

Senator Taylor introduced to the Senate, Pamela Neill and the following members of the Tri Lakes Civil Air Patrol Squadron who were made honorary pages, 2nd Lt. Chase Neill, Green Forest, Arkansas; Cadet Austin Thomason and Cadet Krystal Thomason, Rockaway Beach; Cadet Jake Fultz, Kimberling City; Cadet Payton Lowe, Harrison, Arkansas; Cadet Mike Mountain, Lampe; and Cadet Salvador Hernandez and Cadet Race Harrison, Kimberling City.

Senator Crowell introduced to the Senate, Mary Maltin, Fredricktown.

Senator Crowell introduced to the Senate, Allison Moss, Fredricktown.

Senator Clemens introduced to the Senate, Kelly Thayer and students from Logan-Rogersville Middle School, Rogersville; and Celeste Whitlow, Tyler Samuel, Tanya Budler and Brenden Williams were made honorary pages.

Senator Gibbons introduced to the Senate, representatives of the March of Dimes.

On behalf of Senator Green and himself, Senator Loudon introduced to the Senate, Annie and Travis Stoebell, Michael Daniels and Mitchell Smith, Florissant; and Pam and Jimmy Swain, Spanish Lake.

Senator Taylor introduced to the Senate, Teresa Christian, and students from Mt. Vernon Middle School.

Senator Graham introduced to the Senate, Linda Linneman and fifty students from Smithton Middle School, Columbia.

Senator Graham introduced to the Senate, Kandis Smith, Mark Lucas, Tony Luetkemeyer, John Andersen, Megan Rowe, Beth Tankersley-Bankhead, Matt Pierson, Megan Block, Marissa Cabrera, Katy Murphy, Jim Sturgill, Bren Phillips, Charles Stadtlander and Jennifer Lyon from the University of Missouri-Columbia.

Senator Dougherty introduced to the Senate, Dan and Pat Jaster, St. Louis.

On behalf of Senator Koster, the President introduced to the Senate, eighth grade students from Leeton R-X Middle School, Leeton.

Senator Dolan introduced to the Senate, Hannah Smith, Braymer; and Colin Young, Adrian.

Senator Clemens introduced to the Senate, Louise Bigley, R.N., Kathy Deckard, R.N., Marshfield; and Emily Hardy, Megan Willis, Olivia McGoon and Taylor Nova Kovich, students from Marshfield R-I School.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steve Smith, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY—THURSDAY, MARCH 3, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 478-Scott

SB 484-Stouffer

SB 485-Days and Green

SB 486-Engler

SB 487-Engler

SB 488-Engler

SB 489-Loudon

SB 490-Koster

SB 491-Klindt

SB 492-Kennedy and Green

SB 493-Kennedy and Mayer

SB 494-Bray

SB 495-Mayer

SB 496-Mayer

SB 497-Mayer

SB 498-Mayer

SB 499-Mayer

SB 500-Gibbons, et al

SB 501-Gibbons

SB 502-Gibbons

SB 503-Cauthorn

SB 504-Dougherty, et al

SB 505-Dougherty, et al

SB 506-Dougherty, et al

SB 507-Graham

SB 508-Wheeler

SB 509-Dolan

SB 510-Koster

SB 511-Callahan and Bartle

SB 512-Callahan and Bartle

SB 513-Callahan and Bartle

SB 514-Ridgeway

SB 515-Taylor

SB 516-Griesheimer

SB 517-Shields

SB 518-Kennedy and Graham

SB 519-Callahan

SB 520-Callahan and Bartle

SB 521-Crowell

SB 522-Ridgeway

SB 523-Cauthorn

SB 524-Coleman, et al

SB 525-Coleman, et al

SB 526-Scott

SB 527-Wilson

SB 528-Bray and Days

SB 529-Vogel

SB 530-Vogel

SB 531-Klindt

SB 532-Ridgeway

SB 533-Shields

SB 534-Bartle

SB 535-Vogel

SB 536-Bartle

SB 537-Bartle
SB 538-Bartle
SB 539-Purgason, et al

SB 540-Bray
SB 541-Callahan
SB 542-Callahan
SB 543-Callahan
SB 544-Gross
SB 545-Loudon and Griesheimer
SB 546-Loudon and Kennedy
SB 547-Loudon
SB 548-Loudon
SB 549-Green
SB 550-Mayer and Dougherty

SB 551-Mayer
SB 552-Mayer
SB 553-Mayer
SB 554-Griesheimer
SB 555-Shields
SB 556-Gibbons, et al

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347

HCS for HB 468

THIRD READING OF SENATE BILLS

SCS for SB 147-Cauthorn
(In Fiscal Oversight)
SB 173-Scott (In Fiscal Oversight)

SCS for SB 312-Dolan
SS for SCS for SB 210-Griesheimer

SENATE BILLS FOR PERFECTION

SB 187-Cauthorn and Clemens

SB 237-Klindt, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)

SB 32-Bartle, with SCS & SS for SCS
(pending)

SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)

SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/23

SB 252-Koster, et al, with SCS

SB 177-Shields

SB 342-Bartle

Reported 2/28

SB 240-Scott

SB 241-Scott

SB 222-Callahan, with SCS

SB 257-Koster

SB 258-Koster, with SCS

SB 259-Koster

SB 260-Koster, with SCS

SB 262-Griesheimer, with SCS

SB 285-Clemens and Klindt

SB 155-Mayer, with SCS

SBs 103 & 115-Bartle, with SCS

SB 42-Days

SB 57-Klindt, with SCS

SB 318-Crowell

SB 246-Days, with SCS

SB 280-Taylor

SB 73-Champion, with SCS

Reported 3/1

SB 192-Engler
SB 236-Klindt and Clemens
SB 267-Gibbons, with SCS
SB 238-Gross, with SCS
SB 268-Gibbons and Coleman
SB 304-Ridgeway and Shields
SB 317-Mayer, et al
SB 161-Gross, with SCS

SB 266-Gibbons, with SCS
SB 286-Nodler
SB 38-Nodler and Taylor
SB 156-Shields
SB 209-Koster
SB 227-Engler, with SCS
SB 233-Stouffer, with SCS
SB 247-Dolan, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY—THURSDAY, MARCH 3, 2005

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord...declares: ‘Those who honor me I will honor, and those who despise me shall be treated with contempt.’” (1 Samuel 2:30)

Almighty God, help us to live each day honoring You our God and may we find ways of expressing our thankfulness in the way we act and the things we accomplish, the way we treat others and the way we express love to those You have given us to love. And may we find joy in Your presence this day and weekend as we find ourselves in our communities of faith, singing Your praise and commending our prayers before You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bray offered Senate Resolution No. 512, regarding Mentor St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 513, regarding William “Bill” and Xander Sonderman, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 514, regarding Gifford Lumber Company, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 515, regarding Raymond Skaggs, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 516, regarding Don Firebaugh, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 517, regarding Penney Gifford, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 518, regarding Irene Settle, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 519, regarding Joan Whitener, Fredericktown, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 520

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program on November 19, 2005, and again December 1 through December 3, 2005.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 520** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 520** was adopted.

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 521

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State residents who have proven down through the years to be exemplary citizens in local communities and neighborhoods; and

WHEREAS, Jacques Sachs of Springfield has attained considerable distinction as a volunteer since 1953 with TelComm Credit Union, which was formerly known as Springfield Telephone Employees Credit Union; and

WHEREAS, elected to the Supervisory Committee in October 1953, Jacques Sachs was elected to the Board of Directors in October 1959, as Vice Chairman in October 1978, and as Chairman in February 1981; and

WHEREAS, Jacques Sachs served as Chairman of the TelComm Credit Union Board of Directors until 1993 when he brought that leadership role to a close and returned to being a member of the Board; and

WHEREAS, during his tenure as Chairman, Jacques Sachs helped pave the way for the Credit Union’s merger with Hoffman Taft Credit Union in 1983 and Springday Credit Union in 1987, and as a Board member he assisted in the merger with News Leader Credit Union in 1996; and

WHEREAS, Jacques Sachs was on the Board of Directors in 1971 when the Credit Union assets reached the \$1 million mark and in 2004 when assets topped \$59 million; and

WHEREAS, in addition to his outstanding leadership with TelComm Credit Union, Jacques Sachs proved influential in organizing the Missouri Telephone Credit Union Council twenty-eight years ago, since which time the concept of inter-lending between Telephone affiliated credit unions evolved into the creation of the Missouri Corporate Credit Union to provide lending to any credit union in the Missouri Credit League; and

WHEREAS, in 2000, Jacques Sachs compiled the 60 year history of TelComm Credit Union into a publication entitled "Your Connection", which truly expressed the philosophy of "People Helping People"; and

WHEREAS, Jacques Sachs also helped what is now known as TelComm Credit Union become the first freestanding credit union in southern Missouri to have its own facility separate from the sponsoring employee group:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the more than five decades of leadership so generously contributed by Jacques Sachs to TelComm Credit Union and to convey to him this legislative body's most heartfelt best wishes as he partakes of the special opportunities and pleasures traditionally associated with the golden years of retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Jacques Sachs of Springfield, Missouri.

CONCURRENT RESOLUTIONS

Senators Ridgeway and Wheeler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan in the World Health Organization; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the World Health Organization.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 241**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 240**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate

Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 155**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 147**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS ON THIRD READING

SCS for **SB 147**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 147An Act to repeal section 142.031, RSMo, and to enact in lieu thereof one new section relating to the Missouri qualified biodiesel producer incentive fund.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SB 147** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Cauthorn, title to the bill was agreed to.
Senator Cauthorn moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 312**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 312An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating
to expanding the membership of the highways and transportation commission.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS for SB 312** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Crowell—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 210, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

An Act to repeal sections 44.090, 50.530, 50.757, 55.160, 64.215, 64.940, 67.1775, 67.1850, 110.130, 110.150, 115.019, 137.115, 205.010, 210.860, 210.861, 233.295, 263.245, and 488.426, RSMo, section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as

enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof twenty-seven new sections relating to county government.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 210** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Barbara Hayden, as a member of the State Fair Commission;

Also,

Donna J. English, as a member of the Missouri Head Injury Advisory Council;

Also,

Danny Joe Patterson, as a member of the Corrections Officer Certification Commission;

Also,

Donald D. Landon, as a member of the Seismic Safety Commission;

Also,

Peggy Tuter Pearl, C.H.E., as a member of the Child Abuse and Neglect Review Board;

Also,

Julia M. Eckstein, as the Director of the Department of Health and Senior Services;

Also,

Mark James, as the Director of the Department of Public Safety;

Also,

Alice Ann Bartlett, as the Employer Representative of the Labor and Industrial Relations Commission;

Also,

Hillred Kay Thurston, R.N., as a member of the Missouri State Board of Nursing;

Also,

Bernadette A. Miller, as a member of the Missouri Veterans' Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 88**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 221**, **SB 250** and **SB 256**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell assumed the Chair.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 179**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 179** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 1** and **130**, entitled:

An Act to repeal sections 286.020, 287.020, 287.040, 287.063, 287.067, 287.110, 287.120, 287.127, 287.128, 287.129, 287.140, 287.143, 287.150, 287.170, 287.190, 287.197, 287.203, 287.215, 287.390, 287.420, 287.510, 287.550, 287.610, 287.615, 287.616, 287.640, 287.710, 287.715, 287.800, 287.812, 287.865, 287.894, 287.957, and 287.972, RSMo, and to enact in lieu thereof thirty-nine new sections relating to workers' compensation law, with penalty provisions.

With House Amendments Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, House Amendments Nos. 5, 8, 9, 10, 11 and 12.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 1, In the Title, Line 6, by inserting after the word "provisions" the following: " , and an effective date for

certain sections”; and

Further amend said bill, Page 6, Section 287.067, Lines 18 and 19, by deleting the phrase “**recognized as an occupational disease for the purposes of this chapter**”; and

Further amend said bill, Page 7, Section 287.067, Line 37, by inserting after the phrase “oxygen, **of**” the following: “**paid**”; and

Further amend said bill, Page 7, Section 287.067, Line 37, by inserting at the end of said line the following: “**paid**”: and

Further amend said bill, Page 7, Section 287.067, Line 46, by deleting “with a prior” and inserting in lieu thereof the following: “with [a] **the immediate** prior”; and

Further amend said bill, Section 287.128, Pages 11-13, Lines 1-78, by deleting all of said section and inserting in lieu thereof the following:

“287.128.1. It shall be unlawful for any person to [:

(1)] knowingly present or cause to be presented any false or fraudulent claim for the payment of benefits pursuant to a workers’ compensation claim[:].

[~~(2)~~] **2. It shall be unlawful for any insurance company or self-insurer in this state to knowingly and intentionally refuse to comply with known and legally indisputable compensation obligations with intent to defraud.**

3. It shall be unlawful for any person to:

(1) Knowingly present multiple claims for the same occurrence with intent to defraud;

[~~(3)~~] Purposefully prepare, make or subscribe to any writing with intent to present or use the same, or to allow it to be presented in support of any false or fraudulent claim;

(4)] **(2)** Knowingly assist, abet, solicit or conspire with:

(a) Any person who knowingly presents any false or fraudulent claim for the payment of benefits;

(b) Any person who knowingly presents multiple claims for the same occurrence with an intent to defraud; or

(c) Any person who purposefully prepares, makes or subscribes to any writing with the intent to present or use the same, or to allow it to be presented in support of any such claim;

[~~(5)~~] **(3)** Knowingly make or cause to be made any false or fraudulent claim for payment of a health care benefit;

[~~(6)~~] **(4)** Knowingly submit a claim for a health care benefit which was not used by, or on behalf of, the claimant;

[~~(7)~~] **(5)** Knowingly present multiple claims for payment of the same health care benefit with an intent to defraud;

[~~(8)~~] **(6)** Knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit;

[~~(9)~~] **(7)** Knowingly make or cause to be made any false or fraudulent statements with regard to entitlement to benefits with the intent to discourage an injured worker from making a legitimate claim;

(8) Knowingly make or cause to be made a false or fraudulent material statement to an investigator of the division in the course of the investigation of fraud or noncompliance. For the purposes of subdivisions **(6), (7), and (8)** [and (9)] of this subsection, the term “statement” includes any notice, proof of injury, bill for services, payment for services, hospital or doctor records, X ray or test results.

[2. It shall be unlawful for any insurance company or self-insurer in this state to:

(1) Intentionally refuse to comply with known and legally indisputable compensation obligations;

(2) Discharge or administer compensation obligations in a dishonest manner; and

(3) Discharge or administer compensation obligations in such a manner as to cause injury to the public or those persons dealing with the employer or insurer.

3.] 4. Any person violating any of the provisions of subsections 1 [and] **or 2** of this section [or section 287.129,] shall be guilty of a class [A misdemeanor and,] **D felony**. In addition, **the person** shall be liable to the state of Missouri for a fine [not to exceed] **up to** ten thousand dollars or double the value of the fraud whichever is greater. **Any person violating any of the provisions of subsection 3 of this section shall be guilty of a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to ten thousand dollars.** Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of subsections 1, [and] **2 or 3** of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions

of subsections 1 [and], 2 or 3 of this section [or the provisions of section 287.129] shall be guilty of a class [D] C felony.

[4.] **5. It shall be unlawful for any person, company, or other entity to prepare or provide an invalid certificate of insurance as proof of workers' compensation insurance. Any person violating any of the provisions of this subsection shall be guilty of a class D felony and, in addition, shall be liable to the state of Missouri for a fine up to ten thousand dollars or double the value of the fraud, whichever is greater.**

6. Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. Any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of this section [or the provisions of section 287.129] shall be guilty of a class D felony.

[5.] **7.** Any employer [failing] **who knowingly fails** to insure his liability pursuant to this chapter **with intent to defraud** shall be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for a penalty in an amount equal to twice the annual premium the employer would have paid had such employer been insured or twenty-five thousand dollars, whichever amount is greater. **After January 1, 2006,** any person who has previously pled guilty to or has been found guilty of violating any of the provisions of this section [or the provisions of section 287.129] and who subsequently violates any of the provisions of this section [or the provisions of section 287.129] shall be guilty of a class D felony.

[6.] **8.** Any person may file a complaint alleging fraud or noncompliance with this chapter with a legal advisor in the division of workers' compensation. The legal advisor shall refer the complaint to the fraud and noncompliance unit within the division. The unit shall investigate all complaints and present any finding of fraud or noncompliance to the director, who may refer the file to the attorney general. The attorney general may prosecute any fraud or noncompliance associated with this chapter. All costs incurred by the attorney general associated with any investigation and prosecution pursuant to this subsection shall be paid out of the workers' compensation fund. Any fines or penalties levied and received as a result of any prosecution under this section shall be paid to the workers' compensation fund. Any restitution ordered as a part of the judgment shall be paid to the person or persons who were defrauded.

9. Any and all reports, records, tapes, photographs, and similar materials or documentation submitted by any person, including the department of insurance, to the fraud and noncompliance unit or otherwise obtained by the unit pursuant to this section, used to conduct an investigation for any violation under chapter 287, shall be considered confidential and not subject to the requirements of chapter 610, RSMo. Nothing in this subsection prohibits the fraud and noncompliance unit from releasing records used to conduct an investigation to the local, state, or federal law enforcement authority or federal or state agency conducting an investigation, upon written request.

[7.] **10.** There is hereby established in the division of workers' compensation a fraud and noncompliance administrative unit responsible for investigating incidences of fraud and failure to comply with the provisions of this chapter.

11. Any prosecution for a violation of the provisions of this section or section 287.129 shall be commenced within three years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense. As used in this subsection, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting attorney having jurisdiction to prosecute the action.

12. By January 1, 2006, the attorney general shall forward to the division and the members of the general assembly, the first edition of an annual report of the costs of prosecuting fraud and noncompliance under this chapter. The report shall include the number of cases filed with the attorney general by county by the fraud and noncompliance unit, the number of cases prosecuted by county by the attorney general and county prosecutor, fines and penalties levied and received, and all incidental costs."; and

Further amend said bill, Section 287.640, Page 32, Lines 1-22, by deleting all of said lines; and

Further amend said bill, Section 287.715, Page 35, Line 31, by deleting the word "ensuing" and inserting in lieu thereof the following:

“following”; and

Further amend said bill, Section 287.715, Page 35, Line 55, by deleting the word “ensuing” and inserting in lieu thereof the following: “following”; and

Further amend said bill, Section 287.808, Page 37, Lines 5 to 8, by deleting all of said lines and inserting in lieu thereof the following: “is more likely to be true than not true.”; and

Further amend said bill, Section 287.616, Page 45, Line 9, by inserting after all of said line the following:

“287.642. The division of workers’ compensation shall create in each of its area offices a public information program to assist all parties involved with an injury or claim under this chapter. [In providing assistance under this section, all of the division’s legal advisors shall also act as public information persons and shall, upon request, meet with or otherwise provide information to employees, employers, insurers and health care providers and shall investigate complaints of possible violations of the provisions of this chapter. The division shall employ two additional legal advisors, one to be located in the St. Louis office and one to be located in the Jefferson City office. Assistance provided under this section shall not include representing the claimant in a compensation hearing provided for in section 287.470.]

Section B. The repeal and reenactment of sections 287.615 and 287.612, and the repeal of section 287.616 of Section A of this act shall become effective on January 1, 2006.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1 & 130, Section 287.610, Pages 28-31, Lines 1-121, by deleting all of said section and inserting in lieu thereof the following:

“287.610. 1. [The division may appoint such number of administrative law judges as it may find necessary, but not exceeding twenty-five in number beginning January 1, 1999, with one additional appointment authorized as of July 1, 2000, and one additional appointment authorized in each succeeding year thereafter until and including the year 2004, for a maximum of thirty authorized administrative law judges.] **After August 28, 2005, the governor may appoint additional administrative law judges for a maximum of forty authorized administrative law judges.** Appropriations [for any additional appointment] shall be based upon necessity, measured by the requirements and needs of each division office. Administrative law judges shall be duly licensed lawyers under the laws of this state. Administrative law judges shall not practice law or do law business and shall devote their whole time to the duties of their office. [Any administrative law judge may be discharged or removed only by the governor pursuant to an evaluation and recommendation by the administrative law judge review committee, hereinafter referred to as “the committee”, of the judge’s conduct, performance and productivity.] **The director of the division of workers’ compensation shall publish and maintain on the division’s web site the appointment dates or initial dates of service for all administrative law judges.**

2. The division **director, as a member of the committee** shall [require and] perform, **in conjunction with the committee, an annual [evaluations] performance audit** of [an] **all current and future** administrative law [judge, associate administrative law judge and legal advisor’s conduct, performance and productivity based upon written standards established by rule] **judges by August 28, 2006.** The division[, by rule] **director, in conjunction with the committee,** shall establish the written **performance audit** standards on or before [January 1, 1999] **October 1, 2005.**

[(1) After an evaluation by the division, any administrative law judge, associate administrative law judge or legal advisor who has received an unsatisfactory evaluation in any of the three categories of conduct, performance or productivity, may appeal the evaluation to the committee.

(2) The division director shall refer an unsatisfactory evaluation of any administrative law judge, associate administrative law judge or legal advisor to the committee.

(3) When a written, signed complaint is made against an administrative law judge, associate administrative law judge or legal advisor, it shall be referred to the director of the division for a determination of merit. When the director finds the complaint has merit, it shall be referred to the committee for investigation and review.]

3. **The thirteen administrative law judges with the most years of service shall have a term of service which expires on August 28, 2008. The next thirteen administrative law judges with the most years of service in descending order shall have a term of service which expires on August 28, 2012. Administrative law judges**

appointed and not previously referenced in this subsection shall have a term of service which expires on August 28, 2016. Each subsequent term shall be twelve years. Administrative law judges may be eligible for reappointment. Any administrative law judge may be discharged or removed only by the governor pursuant to a performance audit by the administrative law judge review committee, hereinafter referred to as "the committee".

4. The administrative law judge review committee **members** shall [be composed of one administrative law judge, who shall act as a peer judge on the committee and shall be domiciled in a division office other than that of the judge being reviewed, one employee representative and one employer representative, neither of whom shall] **not** have any direct or indirect employment or financial connection with a workers' compensation insurance company, claims adjustment company, health care provider nor be a practicing workers' compensation attorney. [The employee representative and employer representative] **All members of the committee** shall have a working knowledge of workers' compensation. [The employee and employer representative shall serve for four-year staggered terms and they shall be appointed by the governor. The initial employee representative shall be appointed for a two-year term. The administrative law judge who acts as a peer judge shall be appointed by the chairman of the labor and industrial relations commission and shall not serve on any two consecutive reviews conducted by the committee. Chairmanship of the committee shall rotate between the employee representative and the employer representative every other year. Staffing for the administrative review committee shall be provided, as needed, by the director of the department of labor and industrial relations and shall be funded from the workers' compensation fund. The committee shall conduct a hearing as part of any review of a referral or appeal made according to subsection 2 of this section.

4.] **5. The committee shall [determine] within thirty days [whether an investigation shall be conducted for a referral made pursuant to subdivision (3) of subsection 2 of this section. The committee shall make a final referral to the governor pursuant to subsection 1 of this section within two hundred seventy days of the receipt of a referral or appeal] of completing each performance audit make a recommendation to the governor. The performance audit shall carry a recommendation of confidence or no-confidence for each administrative law judge.** [5.] **6. The administrative law judges appointed by the division shall only have jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction upon any review hearing, either in the way of an appeal from an original hearing or by way of reopening any prior award, except to correct a clerical error in an award or settlement if the correction is made by the administrative law judge within twenty days of the original award or settlement. The labor and industrial relations commission may remand any decision of an administrative law judge for a more complete finding of facts. The commission may also correct a clerical error in awards or settlements within thirty days of its final award. With respect to original hearings, the administrative law judges shall have such jurisdiction and powers as are vested in the division of workers' compensation under other sections of this chapter, and wherever in this chapter the word "commission", "commissioners" or "division" is used in respect to any original hearing, those terms shall mean the administrative law judges appointed under this section. When a hearing is necessary upon any claim, the division shall assign an administrative law judge to such hearing. Any administrative law judge shall have power to approve contracts of settlement, as provided by section 287.390, between the parties to any compensation claim or dispute under this chapter pending before the division of workers' compensation. Any award by an administrative law judge upon an original hearing shall have the same force and effect, shall be enforceable in the same manner as provided elsewhere in this chapter for awards by the labor and industrial relations commission, and shall be subject to review as provided by section 287.480.**

[6.] **7. Any of the administrative law judges employed pursuant to this section may be assigned on a temporary basis to the branch offices as necessary in order to ensure the proper administration of this chapter.**

[7.] **8. All administrative law judges [and legal advisors] shall be required to participate in, on a continuing basis, specific training that shall pertain to those elements of knowledge and procedure necessary for the efficient and competent performance of the administrative law judges' [and legal advisors'] required duties and responsibilities. Such training requirements shall be established by the division subject to appropriations and shall include training in medical determinations and records, mediation and legal issues pertaining to workers' compensation adjudication. Such training may be credited toward any continuing legal education requirements.**

[8.] **9. (1) The director of the division, in conjunction with the administrative law judge review committee appointed by the governor, shall conduct an annual performance audit of all administrative law judges. The audit results, stating the committee's decision of confidence or no confidence of each administrative law judge**

shall be annually sent to the governor and the members of the general assembly no later than the first week of each legislative session. A review of no confidence following an annual audit allows the governor to withdraw the appointment of the administrative law judge. The governor shall not consider for reappointment any administrative law judge with an annual performance audit of no confidence.

(2) The review committee shall consist of the division director, the public member of the commission, who is an attorney, two members who represent employees and two members who represent employers. The division director and the public member of commission shall serve as co-chairpersons of the committee, and shall serve on the committee during their time of employment in their respective positions. The term of service for all other members of the review committee shall be two years, with eligibility for one additional appointment for two years by the governor. However, the first review committee shall have one employee representative and one employer representative appointed for a three-year term, with eligibility for one additional appointment of two years by the governor. The review committee members shall all serve without compensation. Necessary expenses for review committee members and all necessary support services to the review committee shall be provided by the division.

10. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 6, Section 287.042, Line 1, by deleting all of said section.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 1, Line 29, of said amendment by inserting after said line the following:

“(5) Objective medical findings as used in subdivision 2 of subsection 6 of this section are those findings demonstrable on physical examination or by appropriate tests and/or diagnostic procedures.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 23-24, Section 287.190, Lines 85-110 by deleting all of said lines and inserting in lieu thereof the following:

6. (1) “Permanent partial disability” means a disability that is permanent in nature and partial in degree, and when payment therefore has been made in accordance with a settlement approved either by an administrative law judge or by the labor and industrial relations commission, a rating **established by medical finding, certified by a physician licensed under chapter 334, RSMo, and** approved by an administrative law judge [or legal advisor], or an award by administrative law judge or the commission, the percentage of disability shall be conclusively presumed to continue undiminished whenever a subsequent injury to the same member or same part of the body also results in permanent partial disability for which compensation under this chapter may be due; provided, however, the presumption shall apply only to compensable injuries which may occur after August 29, 1959.

(2) **Permanent partial disability or permanent total disability shall be demonstrated and certified by a physician. When determining disability, a physician, administrative law judge, the division, the commission, or a reviewing court shall not consider subjective complaints of pain which are not certified by a physician. Medical opinions addressing compensability and permanent impairment shall be stated within a reasonable degree of medical certainty. In determining compensability and disability, where inconsistent or conflicting medical opinions exist, objective medical findings shall prevail over subjective medical findings.**

(3) Except where otherwise addressed in this chapter the fifth edition of the “Guide to the Evaluation of Permanent Impairment”, published by the American Medical Association, shall be applied in determining the level of disability under this section.

(4) Any award of compensation shall be reduced by an amount proportional to the permanent partial disability determined to be a preexisting disease or condition or attributed to the natural process of aging

sufficient to cause or prolong the disability or need of treatment.

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Section 287.390, Pages 26-27, Lines 1-39, by deleting all of said section and inserting in lieu thereof the following:

“287.390. 1. [Nothing in this chapter shall be construed as preventing the] Parties to claims hereunder [from entering] may enter into voluntary agreements in settlement thereof, but no agreement by an employee or his or her dependents to waive his or her rights under this chapter shall be valid, nor shall any agreement of settlement or compromise of any dispute or claim for compensation under this chapter be valid until approved by an administrative law judge or the commission, nor shall an administrative law judge or the commission approve any settlement which is not in accordance with the rights of the parties as given in this chapter. No such agreement shall be valid unless made after seven days from the date of the injury or death. An administrative law judge or the commission shall approve an agreement entered into more than forty-five days after the date of injury as valid and enforceable unless the administrative law judge or the commission makes a specific finding of fact that the agreement is manifestly unjust. Parties to claims under this chapter may enter into voluntary agreements in settlement of those claims and such agreements shall be approved, valid, and not subject to the requirements under subsection 6 of section 287.190.

2. A compromise settlement approved by an administrative law judge or the commission during the employee's lifetime shall extinguish and bar all claims for compensation for the employee's death if the settlement compromises a dispute on any question or issue other than the extent of disability or the rate of compensation.

3. Notwithstanding the provisions of section 287.190, an employee shall be afforded the option of receiving a compromise settlement as a one-time lump sum payment. A compromise settlement approved by an administrative law judge or the commission shall indicate the manner of payment chosen by the employee.

4. A minor dependent, by parent or conservator, may compromise disputes and may enter into a compromise settlement agreement, and upon approval by an administrative law judge or the commission the settlement agreement shall have the same force and effect as though the minor had been an adult. The payment of compensation by the employer in accordance with the settlement agreement shall discharge the employer from all further obligation.

5. In any claim under this chapter where an offer of settlement is made in writing by the employer within one hundred fifty days of the date of injury, an employee is entitled to one hundred percent of the amount offered, provided such employee is not represented by counsel at the time the offer is tendered. Where such offer of settlement is not accepted and where additional proceedings occur with regard to the employee's claim, the employee is entitled to one hundred percent of the amount initially offered plus seventy-five percent of any amount in dispute. Legal counsel representing the employee shall receive reasonable fees plus actual expenses for services rendered, not to exceed twenty-five percent of the amount in dispute.

6. As used in this chapter, “amount in dispute” means the dollar amount in excess of the dollar amount offered by, agreed to, or paid by the employer pursuant to subsection 5 of this section. An offer of settlement shall not be construed as an admission of liability.”; and

Further amend title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 4, Section 287.020, Line 70, by inserting after all of said line the following:

“This subsection shall not apply when the employer is a law enforcement agency that has a policy allowing its law enforcement officers to take agency vehicles to their homes but which requires officers using those vehicles to respond to accidents or calls and engage in pursuits while in those vehicles and in route to their homes from the place where they are employed as a law enforcement officer, or in route from their homes to the place where they are employed as a law enforcement officer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 6, Section 287.042, Line 2, by inserting after all of said line the following:

“287.043. In applying the provisions of subsection 1 of section 287.020 and subsection 4 of section 287.040, it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of “owner”, as extended in the following cases: *Owner Operator Independent Drivers Ass’n, Inc. v. New Prime, Inc.*, 133 S.W.3d 162 (Mo.App. S.D.,2004); *Nunn v. C.C. Midwest*, 151 S.W.3d 388 (Mo.App. W.D.,2004).”;
and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 9, Section 287.120, Line 53, by inserting after “7.” the following:

“An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, RSMo, at the request of the employer shall result in forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

___8.”; and

Further amend said bill, Page 9, Section 287.120, Line 66, by deleting “8.” and inserting in lieu thereof: “[8.] **9.”;**
and

Further amend said bill, Page 10, Section 287.120, Line 70, by deleting “9.” and inserting in lieu thereof: “[9.] **10.”; and**

Further amend said bill, Page 10, Section 287.120, Line 73, by deleting “10.” and inserting in lieu thereof: “[10.] **11.”; and**

Further amend said bill, Page 10, Section 287.120, Line 75, by deleting “11.” and inserting in lieu thereof: “**12.”;**
and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 10, Section 287.120, lines 75 thru 84, by deleting all of said lines and inserting in lieu thereof the following:

“11. An employee shall forfeit compensation for an injury or occupational disease under the provisions of this chapter, including compensation from the second injury fund created under section 287.220, and this state shall have no jurisdiction over any workers’ compensation claim of an employee, when the employee:

(1) Files a claim or application for a hearing in another state or commonwealth of competent jurisdiction requesting workers’ compensation benefits for the injury or occupational disease; or

(2) Has affirmatively requested and accepted benefits for the injury from another state or commonwealth of competent jurisdiction.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, Page 39, Section 287.865, Line 46, by deleting said line and inserting in lieu thereof the following:

“member filing bankruptcy, liquidation or dissolution, shall notify in writing any employee of the self-insured”;
and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

President Kinder assumed the Chair.

PRIVILEGED MOTIONS

Senator Loudon moved that the Senate refuse to concur in HCS for SS for SCS for SBs 1 and 130, as amended, and requests the House to recede from its position or failing to do so grant the Senate a conference thereon, which

motion prevailed.

THIRD READING OF SENATE BILLS

SB 252, with **SCS**, introduced by Senators Koster, Scott and Stouffer, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel.

Was called from the Consent Calendar and taken up.

SCS for **SB 252**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 252

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

Was taken up.

Senator Koster moved that **SCS** for **SB 252** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 252** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Koster, title to the bill was agreed to.
Senator Koster moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 177, introduced by Senator Shields, entitled:
An Act to repeal section 105.712, RSMo, and to enact in lieu thereof one new section relating to dental care.
Was called from the Consent Calendar and taken up.
On motion of Senator Shields, **SB 177** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 342, introduced by Senator Bartle, entitled:

An Act to repeal section 559.607, RSMo, and to enact in lieu thereof one new section relating to probation services for municipal ordinance violations.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 342** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 248**, entitled:

An Act to repeal section 365.130, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle time sales law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 297**, entitled:

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school accountability report cards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 187** be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

At the request of Senator Cauthorn, **SB 187** was placed on the Informal Calendar.

Senator Crowell assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 484—Economic Development, Tourism and Local Government.

SB 485—Ways and Means.

SB 486—Pensions, Veterans' Affairs and General Laws.

SB 487—Judiciary and Civil and Criminal Jurisprudence.

SB 488—Transportation.

SB 489—Agriculture, Conservation, Parks and Natural Resources.

SB 490—Economic Development, Tourism and Local Government.

SB 491—Judiciary and Civil and Criminal Jurisprudence.

SB 492—Small Business, Insurance and Industrial Relations.

SB 493—Financial and Governmental Organizations and Elections.

SB 494—Judiciary and Civil and Criminal Jurisprudence.

SB 495—Judiciary and Civil and Criminal Jurisprudence.

SB 496—Financial and Governmental Organizations and Elections.

SB 497—Transportation.

SB 498—Ways and Means.

SB 499—Judiciary and Civil and Criminal Jurisprudence.

SB 500—Pensions, Veterans' Affairs and General Laws.

SB 501—Pensions, Veterans' Affairs and General Laws.

SB 502—Economic Development, Tourism and Local Government.

SB 503—Agriculture, Conservation, Parks and Natural Resources.

SB 504—Governmental Accountability and Fiscal Oversight.

SB 505—Judiciary and Civil and Criminal Jurisprudence.

SB 506—Judiciary and Civil and Criminal Jurisprudence.

SB 507—Economic Development, Tourism and Local Government.

SB 508—Economic Development, Tourism and Local Government.

SB 509—Ways and Means.

SB 510—Small Business, Insurance and Industrial Relations.

SB 511—Judiciary and Civil and Criminal Jurisprudence.

SB 512—Judiciary and Civil and Criminal Jurisprudence.
SB 513—Judiciary and Civil and Criminal Jurisprudence.
SB 514—Judiciary and Civil and Criminal Jurisprudence.
SB 515—Education.
SB 516—Economic Development, Tourism and Local Government.
SB 517—Judiciary and Civil and Criminal Jurisprudence.
SB 518—Aging, Families, Mental and Public Health.
SB 519—Economic Development, Tourism and Local Government.
SB 520—Judiciary and Civil and Criminal Jurisprudence.
SB 521—Pensions, Veterans’ Affairs and General Laws.
SB 522—Aging, Families, Mental and Public Health.
SB 523—Aging, Families, Mental and Public Health.
SB 524—Financial and Governmental Organi-zations and Elections.
SB 525—Small Business, Insurance and Industrial Relations.
SB 526—Financial and Governmental Organi-zations and Elections.
SB 527—Aging, Families, Mental and Public Health.
SB 528—Pensions, Veterans’ Affairs and General Laws.
SB 529—Ways and Means.
SB 530—Transportation.
SB 531—Pensions, Veterans’ Affairs and General Laws.
SB 532—Pensions, Veterans’ Affairs and General Laws.
SB 533—Small Business, Insurance and Industrial Relations.
SB 534—Judiciary and Civil and Criminal Jurisprudence.
SB 535—Ways and Means.
SB 536—Judiciary and Civil and Criminal Jurisprudence.
SB 537—Judiciary and Civil and Criminal Jurisprudence.
SB 538—Judiciary and Civil and Criminal Jurisprudence.
SB 539—Pensions, Veterans’ Affairs and General Laws.
SB 540—Ways and Means.
SB 541—Judiciary and Civil and Criminal Jurisprudence.
SB 542—Judiciary and Civil and Criminal Jurisprudence.
SB 543—Economic Development, Tourism and Local Government.
SB 544—Economic Development, Tourism and Local Government.
SB 545—Economic Development, Tourism and Local Government.
SB 546—Ways and Means.
SB 547—Aging, Families, Mental and Public Health.
SB 548—Governmental Accountability and Fiscal Oversight.
SB 549—Financial and Governmental Organi-zations and Elections.
SB 550—Ways and Means.
SB 551—Aging, Families, Mental and Public Health.
SB 552—Small Business, Insurance and Industrial Relations.
SB 553—Agriculture, Conservation, Parks and Natural Resources.
SB 554—Financial and Governmental Organi-zations and Elections.
SB 555—Aging, Families, Mental and Public Health.
SB 556—Pensions, Veterans’ Affairs and General Laws.

COMMUNICATIONS

Senator Shields submitted the following:

March 3, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Eastern Jackson County Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Eastern Jackson County Caucus:

Matt Bartle

Kate Meiners

Robert Thane Johnson

Paul Lavota

Bryan Yates

Will Krauss

Terry Young

Curt Dougherty

Bryan Pratt

Gary Dusenburg

Also,

March 3, 2005

Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, Missouri 65101

I am respectfully requesting that SB 236 be removed from the Consent Calendar in accordance with the provisions of Senate Rule 45.

I feel this bill to be of a controversial nature.

Respectfully,

/s/ Luann Ridgeway

Luann Ridgeway

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Paul Baker, Mary Magnus and twenty seventh grade students from Springfield Lutheran School.

Senator Champion introduced to the Senate, Jacques Sachs, Springfield; and members of his family and co-workers from across the country.

Senator Wheeler introduced to the Senate, forty students from Conn-West Elementary School, Grandview.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow, M.D., and his daughter, Emily, Bolivar.

On behalf of Senator Kennedy and himself, Senator Gibbons introduced to the Senate, Karen Papin, and forty fourth grade students from Crestwood Elementary School, Crestwood.

Senator Shields introduced to the Senate, Michael Short, Platte City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, March 7, 2005.

SENATE CALENDAR

THIRTY-FOURTH DAY—MONDAY, MARCH 7, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 478-Scott

HOUSE BILLS ON SECOND READING

HCS for HB 441

HCS for HB 347

HCS for HB 468

HB 248-Pearce

HCS for HB 297

THIRD READING OF SENATE BILLS

SB 173-Scott

(In Fiscal Oversight)

SS for SCS for SB 179-Griesheimer

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 237-Klindt, et al, with SCS

SB 88-Klindt

SBs 221, 250 & 256-Dolan, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)

SB 32-Bartle, with SCS & SS for SCS

(pending)

SB 185-Loudon, et al, with SA 1 (pending)

SB 187-Cauthorn and Clemens

SB 225-Cauthorn, with SCS & SS#2 for SCS

(pending)

SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 222-Callahan, with SCS

SB 257-Koster

SB 258-Koster, with SCS

SB 259-Koster

SB 260-Koster, with SCS

SB 262-Griesheimer, with SCS

SB 285-Clemens and Klindt

SBs 103 & 115-Bartle, with SCS

SB 42-Days

SB 57-Klindt, with SCS

SB 318-Crowell

SB 246-Days, with SCS

SB 280-Taylor

SB 73-Champion, with SCS

Reported 3/1

SB 192-Engler

SB 267-Gibbons, with SCS

SB 238-Gross, with SCS

SB 268-Gibbons and Coleman

SB 304-Ridgeway and Shields

SB 317-Mayer, et al

SB 161-Gross, with SCS

SB 266-Gibbons, with SCS

SB 286-Nodler

SB 38-Nodler and Taylor

SB 156-Shields

SB 209-Koster

SB 227-Engler, with SCS

SB 233-Stouffer, with SCS

SB 247-Dolan, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SS for SCS for SBs 1 & 130-Loudon, with
HCS, as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

To be Referred

SCR 8-Ridgeway

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY—MONDAY, MARCH 7, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Do not fear the reproach of others, and do not be dismayed when they revile you.” (Isaiah 51:7)

Dear Lord, we often encounter so many who think they know better than we do and when we don’t agree with them they can be difficult and nasty to deal with, but we pray, that drawing from Your strength and wisdom, we will do and say the things that must be done and said. So encourage us in our serving and help us be faithful and unafraid as we go about what we have been called by You to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 3, 2005, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

RESOLUTIONS

Senator Taylor offered Senate Resolution No. 522, regarding the Taneyville R-II School District, which was adopted.

Senator Dougherty offered Senate Resolution No. 523, regarding Betty Van Uum, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 524, regarding the One Hundred Sixty-fifth Anniversary of the Sweet Springs Post Office, which was adopted.

Senator Purgason offered Senate Resolution No. 525, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Eaton, Camdenton, which was adopted.

Senator Kennedy offered Senate Resolution No. 526, regarding Jamie Jordan, St. Louis, which was adopted.

Senator Green offered Senate Resolution No. 527, regarding the death of Earl Lawrence Schlef, St. Charles, which was adopted.

Senator Klindt offered Senate Resolution No. 528, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Henderson, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 529, regarding the One Hundredth Birthday of Maude Dickinson, Bethany, which was adopted.

Senator Graham offered Senate Resolution No. 530, regarding Tony Pescaglia, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 531, regarding Dane Fuhrman, Moberly, which was adopted.

Senator Graham offered Senate Resolution No. 532, regarding the 2004 Class 6 State Champion Football Team from Hickman High School, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 533, regarding Tim Cornell, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 534, regarding the Honorable James M. McQuillan, Ogallala, Nebraska, which was adopted.

Senator Engler offered Senate Resolution No. 535, regarding the death of Bryant Joseph AuBuchon, Bonne Terre, which was adopted.

Senator Gibbons offered Senate Resolution No. 536, regarding the death of Al Hentges, Loose Creek, which was adopted.

Senator Crowell offered Senate Resolution No. 537, regarding Joshua J. Moxley, Charleston, which was adopted.

Senator Crowell offered Senate Resolution No. 538, regarding Daniel K. White, Bertrand, which was adopted.

Senator Crowell offered Senate Resolution No. 539, regarding Ryan J. Oetting, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 540, regarding John R. Oetting, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 541, regarding Clay G. Deane, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 542, regarding Ross W. Sindle, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 543, regarding Matthew R. Deane, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 544, regarding Marcus D. Painton, Oran, which was adopted.

Senator Crowell offered Senate Resolution No. 545, regarding Nicholas J. Martinez, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 546, regarding Derek W. Pugh, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 547, regarding Evert S. Montgomery, Chaffee, which was adopted.

Senator Crowell offered Senate Resolution No. 548, regarding Russell W. Hendricks, Advance, which was adopted.

Senator Crowell offered Senate Resolution No. 549, regarding Kyle L. Carpenter, Advance, which was adopted.

Senator Crowell offered Senate Resolution No. 550, regarding Levi A. Limbaugh, Advance, which was adopted.

Senator Crowell offered Senate Resolution No. 551, regarding Wesley A. Spinks, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 552, regarding Kenneth J. Schmitz, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 553, regarding John P. Waggener, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 554, regarding James R. Williams, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 555, regarding Christopher P. Eddleman, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 556, regarding Nicholas J. Summary, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 557, regarding Gregory E. Sprengel, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 558, regarding Andrew T. Moore, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 559, regarding Matthew L. Holmes, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 560, regarding Benjamin R. Pottorf, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 561, regarding William R. Lindman, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 562, regarding Michael A. Dowd, Glen Allen, which was adopted.

Senator Crowell offered Senate Resolution No. 563, regarding Ernest P. Crump, III, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 564, regarding Philip G. Graf, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 565, regarding William J. Buerck, Jr., Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 566, regarding Andrew D. Fair, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 567, regarding Andrew J. McGee, Marble Hill, which was adopted.

Senator Crowell offered Senate Resolution No. 568, regarding Adam W. Lukefahr, Leopold, which was adopted.

Senator Crowell offered Senate Resolution No. 569, regarding Andrew W. Bertrand, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 570, regarding Brandon A. Pace, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 571, regarding John M. Berry, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 572, regarding Caleb M. Schoen, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 573, regarding Joshua R. Davis, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 574, regarding Corrections Officer I Kenneth Chipman, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 575, regarding Corrections Officer I Mark Schrum, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 576, regarding Corrections Officer II John Hinkle, Fredericktown, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 32**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 32** was again taken up.

Senator Bartle moved that **SS** for **SCS** for **SB 32** be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **SB 32** was declared perfected and ordered printed.

At the request of Senator Klindt, **SB 237**, with **SCS**, was placed on the Informal Calendar.

Senator Klindt moved that **SB 88** be taken up for perfection, which motion prevailed.

On motion of Senator Klindt, **SB 88** was declared perfected and ordered printed.

Senator Dolan moved that **SB 221**, **SB 250** and **SB 256**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 221, 250 and 256**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 221, 250 & 256

An Act to repeal sections 210.104, 210.107, 302.510, 302.530, 304.015, 304.016, 304.281, 304.351, 307.178, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof twelve new sections relating to the operation of motor vehicles, with penalty provisions.

Was taken up.

Senator Dolan moved that **SCS for SBs 221, 250 and 256** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS for SBs 221, 250 and 256** was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 225**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SB 225** was again taken up.

At the request of Senator Cauthorn, **SB 225**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 173**; and **SS** for **SCS** for **SB 179**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 2**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 367**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn requested unanimous consent of the Senate to have the committee reports on **SB 240**, **SB 241** and **SJR 2** returned, which request was granted.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 288**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 289**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 307**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 364**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 355**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 133**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 1 and 130**, as amended, and grants the Senate a conference thereon.

The Speaker appointed the following conference committee: Representatives Cooper (120), Bearden, Hunter, Vogt, Lowe (44).

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Karen E. Allan, 1916 Bald Hill Road, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until her successor is duly appointed and qualified; vice, Deborah U. Parsons, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martha L. Boswell, Republican, 2600 Vail Drive, Columbia, Boone County, Missouri 65203, as a member of the Coordinating Board for Higher Education, Ninth Congressional District, for a term ending June 27, 2008, and until her successor is duly appointed and qualified; vice, Mary Wood, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Rodney J. Boyd, Democrat, 1 North Taylor, Saint Louis City, Missouri 63108, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Will E. McCarther, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kathryn Braden, Republican, 4210 Blair Ridge, Bradleyville, Taney County, Missouri 65614, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2007, and until her successor is duly appointed and qualified; vice, Philip Luebbering, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gregory M. Brown, Republican, 220 Haas Road, Eureka, Jefferson County, Missouri 63025, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2008, and until his successor is duly appointed and qualified; vice, Willard H. "Bill" Halmich, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Reginald Dickson, Democrat, 4301 Roland Boulevard, Saint Louis, Saint Louis County, Missouri 63121, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Sandra Moore, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gerald F. Engemann, Republican, 30078, State Highway 94, Hermann, Warren County, Missouri 65041, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2006, and until his successor is duly appointed and qualified; vice, Dean E. Freeman, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael D. Geske, Republican, 4694 State Highway E, Matthews, New Madrid County, Missouri 63867, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2008, and until his successor is duly appointed and qualified; vice, Elmo Shaw, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Linda Hickam-Fountain, D.V.M., Democrat, 14042 Highway FF, Thompson, Audrain County, Missouri 65285, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jerry M. Hunter, Republican, 21 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2010, and until his successor is duly appointed and qualified; vice, Larry Deskins, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeanne M. Lillig-Patterson, Republican, 20 East Dundee Circle, Belton, Cass County, Missouri 64012, as a member of the Coordinating Board for Higher Education, Fifth Congressional District, for a term ending June 27, 2010, and until her successor is duly appointed and qualified; vice, Sandra Kauffman, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald W. McNutt, 9439 Sappington Estates, Sunset Hills, Saint Louis County, Missouri 63127, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2009, and until his successor is duly appointed and qualified; vice, reappointed.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Samuel L. Shipman, 5525 Bagnall Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, Samuel L. Shipman, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dana D. Thompson, Republican, 4611 Georgetown Drive, Columbia, Boone County, Missouri 65203, as a member of the Board of Probation and Parole, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, Joel T. Jeffries, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert B. Wylie, 700 Hiddenlake Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, James Bollinger.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 2, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Donna J. English to the Missouri Head Injury Advisory Council submitted on February 24, 2005. Line 4 should be amended as follows:

“appointed and qualified; vice, Esther E. Otto, withdrawn.”

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCR 8** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SB 318** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 28**, begs

leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 478—Financial and Governmental Organizations and Elections.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 508** to the Committee on Agriculture, Conservation, Parks and Natural Resources.

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, Chris Roper, Springfield.

Senator Green introduced to the Senate, Congressman William “Lacy” Clay and members of his staff, Washington, D.C.

Senator Nodler introduced to the Senate, Jean Bradshaw and Terry Brady, Kansas City.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 8, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441

HCS for HB 347

HCS for HB 468

HB 248-Pearce

HCS for HB 297

THIRD READING OF SENATE BILLS

SB 173-Scott

SS for SCS for SB 179-Griesheimer

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 185-Loudon, et al, with SA 1
(pending)
SB 187-Cauthorn and Clemens
SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 237-Klindt, et al, with SCS
SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 222-Callahan, with SCS
SB 257-Koster

SB 258-Koster, with SCS
SB 259-Koster
SB 260-Koster, with SCS
SB 262-Griesheimer, with SCS
SB 285-Clemens and Klindt

SBs 103 & 115-Bartle, with SCS
SB 42-Days
SB 57-Klindt, with SCS
SB 318-Crowell (In Fiscal Oversight)
SB 246-Days, with SCS
SB 280-Taylor
SB 73-Champion, with SCS

Reported 3/1

SB 192-Engler
SB 267-Gibbons, with SCS
SB 238-Gross, with SCS
SB 268-Gibbons and Coleman
SB 304-Ridgeway and Shields
SB 317-Mayer, et al
SB 161-Gross, with SCS
SB 266-Gibbons, with SCS

SB 286-Nodler
SB 38-Nodler and Taylor

SB 156-Shields
SB 209-Koster
SB 227-Engler, with SCS
SB 233-Stouffer, with SCS
SB 247-Dolan, with SCS

Reported 3/7

SB 367-Cauthorn
SB 265-Taylor
SB 288-Klindt
SB 289-Engler, with SCS
SB 307-Purgason

SB 364-Purgason
SB 355-Griesheimer, et al, with SCS
SB 133-Loudon and Gross, with SCS
SB 308-Purgason
SB 28-Dolan, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon,
with HCS, as amended

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY—TUESDAY, MARCH 8, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

About prayer, Evelyn Underhill wrote: “In it the soul feeds upon God. Draws new vitality from the source of all life. The citizen who is so strengthened is worth more to this state than the one whose roots do not strike deep into eternity.”

Gracious God, as we are at the mid point of our work here help us to spend some time in silence with You, our God. Let our “roots strike deep” into You so we too may be of greater worth to this State and the people we serve. And may we gain strength for the many tasks still ahead of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 577, regarding Richard Walkenbach, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 578, regarding the Ninetieth Birthday of Lois Wittrock, Gravois Mills, which was adopted.

Senator Crowell offered Senate Resolution No. 579, regarding Corrections Officer II Brian Davis, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 580, regarding Corrections Officer I Randy Firebaugh, Fredericktown, which was adopted.

CONCURRENT RESOLUTIONS

Senators Bray, Dougherty, Wheeler, Green, Coleman, Days, Wilson, Graham, Kennedy and Callahan offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the State of Missouri recognizes that over 1,033,886 residents of all ages in this state receive guaranteed Social Security benefits which allow them to live without sinking into poverty or suffering from a diminished quality of life because of retirement, disability, or the death of a parent or spouse; and

WHEREAS, Social Security protects Missourians by providing guaranteed benefits not only for retirees, but also for 184,858 disabled workers and their families, as well as for almost 90,000 children in our state; and

WHEREAS, Social Security is particularly critical to the 420,699 Missouri women who receive benefits since women typically live longer, earn less money, and generally spend less time in the labor force due to child care responsibilities; and

WHEREAS, Social Security is a progressive program that continues to pay guaranteed benefits for the duration of the recipients' lifetimes, that is indexed for inflation, that functions with extreme efficiency, and that currently operates with a surplus; and

WHEREAS, the nonpartisan Congressional Budget Office (CBO) predicts that there will be no shortfall until 2052, when Social Security will be able to pay only 80% of recipients' benefits due to insufficient revenue from payroll tax; and

WHEREAS, in the past, the Social Security Trust Fund has encountered similar challenges, including larger projected shortfalls during the 1980's, which were resolved without privatization schemes and without reducing guaranteed benefits for the elderly, disabled, and children; and

WHEREAS, the Bush Administration's proposals to partially privatize Social Security through the creation of private accounts cannot guarantee returns that equal or exceed recipients' guaranteed benefits through the current Social Security system; and

WHEREAS, the creation of such a private accounts system would entail a massive cost to our country, adding an estimated \$2 trillion to our national deficit which would take an estimated 60 years to pay back; and

WHEREAS, future Social Security recipients would also pay a much higher cost for private accounts than for the guaranteed benefits current recipients receive since the current system spends just 0.6 cents of every dollar on administrative costs while a private accounts system would waste at least 5 cents of every dollar; and

WHEREAS, under President Bush's proposal, guaranteed Social Security protections to the elderly, disabled, survivors, and children will gradually erode for future generations driving millions of Americans into poverty and destroying the most successful social insurance program ever created in the United States:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call upon the Missouri Congressional Delegation to recognize the unique features of Social Security: guaranteed benefits, protection from market fluctuations, inflation indexing, lifelong protection in case of disability, death of a spouse or parent, and insufficient retirement income, progressive benefits that are linked to earnings and that cannot lose value over the recipient's lifetime; and

BE IT FURTHER RESOLVED that the Missouri General Assembly calls upon the Missouri Congressional Delegation to oppose restructuring the Social Security Trust Fund to create private accounts that reduce guaranteed benefits for hundreds of thousands of Missourians, especially women and children who will be disproportionately affected and who depend on Social Security for their survival and well-being; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President George W. Bush, the members of the Missouri Congressional Delegation, and Governor Matt Blunt.

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, the inconsistent wireless telecommunication service throughout rural areas of the state provides for an erratic coverage area for rural customers; and

WHEREAS, to make available more dependable wireless telecommunication service to rural customers of this state, telecommunication service providers must have access to support aimed at providing such service to higher cost areas; and

WHEREAS, to enable wireless telecommunication providers to invest in infrastructure to better serve the rural customers of this state, the Missouri legislature seeks to more easily certify telecommunication service providers as eligible telecommunication carriers thereby subjecting those service providers to the universal service fund:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the public service commission to adopt rules governing the application process by which telecommunication providers can be certified as "eligible telecommunications carriers" and who, in turn, can be subject to universal service fund support. The rules adopted by the Commission shall utilize the minimum requirements for eligibility adopted and published by the Federal Communications Commission, consistent with the recommendations of the Federal-State Joint Board on Universal Service for eligibility; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Public Service Commission.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 1 and 130**, as amended: Senators Loudon, Gibbons, Crowell, Callahan and Green.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 221, 250 and 256; SB 88**; and **SS** for **SCS** for **SB 32**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 423**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 279**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 422**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 68**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 237**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 237**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 237**

An Act to repeal sections 386.020, 392.200, 392.245, and 392.500, RSMo, and to enact in lieu thereof four new sections relating to telecommunications companies.

Was taken up.

Senator Klindt moved that **SCS** for **SB 237** be adopted.

Senator Klindt offered **SS** for **SCS** for **SB 237**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 237

An Act to repeal sections 386.020, 392.200, 392.245, and 392.500, RSMo, and to enact in lieu thereof four new sections relating to telecommunications companies.

Senator Klindt moved that **SS** for **SCS** for **SB 237** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 28, Section 392.245, Lines 5-17 of said page by striking all of said lines and inserting in lieu thereof the following:

“(2) Any entity providing local voice service in whole or in part over telecommunications facilities or other facilities in which it or one of its affiliates have an ownership interest shall be considered as a basic local telecommunications service provider regardless of whether such entity is subject to regulation by the commission. A provider of local voice service that requires the use of a third party, unaffiliated Internet network for the origination of local voice service shall not be considered a basic local telecommunications service provider;”.

Senator Klindt moved that the above amendment be adopted.

Senator Griesheimer offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 28, Section 392.245.5(2), Lines 5-17 by deleting such section and replacing in lieu thereof the following:

“(2) Any entity providing local voice service in whole or in part by using its own telecommunications facilities or other facilities or the telecommunications facilities or other facilities of a third party, including those of the incumbent local exchange telecommunications company, shall be considered as a basic local telecommunications service provider for the purpose of this subsection only, regardless of whether the service provided by such entity is subject to regulation by the commission. Provided, however, that an entity shall not be considered to be a basic local telecommunications provider to the extent that it is providing local voice service only through an unaffiliated third party’s broadband Internet service or dial-up Internet service. For purposes of this subsection only, a broadband Internet service is defined as an Internet service that connects a customer’s premises to an ISP at speeds exceeding two hundred kilobits per second in at least one direction;”.

Senator Griesheimer moved that the above substitute amendment be adopted.

At the request of Senator Klindt, **SB 237**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 32**; and **SCS** for **SBs 221, 250 and 256** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RESOLUTIONS

Senator Graham offered Senate Resolution No. 581, regarding the Central Missouri Eagles Youth Hockey Teams, which was adopted.

Senator Kennedy offered Senate Resolution No. 582, regarding Michelle Kolar, St. Louis, which was adopted.
 Senator Kennedy offered Senate Resolution No. 583, regarding Tim Helvey, St. Louis, which was adopted.
 Senator Kennedy offered Senate Resolution No. 584, regarding Bess Langsdorf, St. Louis, which was adopted.
 Senator Kennedy offered Senate Resolution No. 585, regarding Calvin Rudsinski, St. Louis, which was adopted.
 Senator Kennedy offered Senate Resolution No. 586, regarding Jim Price, St. Louis, which was adopted.
 Senator Kennedy offered Senate Resolution No. 587, regarding Laura Grayson, St. Louis, which was adopted.
 Senator Stouffer offered Senate Resolution No. 588, regarding Ami Beck, which was adopted.
 Senator Stouffer offered Senate Resolution No. 589, regarding the death of Francis Edward Ritzinger, which was adopted.
 Senator Stouffer offered Senate Resolution No. 590, regarding the death of Norbert B. Martin, which was adopted.
 Senator Stouffer offered Senate Resolution No. 591, regarding the death of Edward Harrison Loesing, which was adopted.
 Senator Stouffer offered Senate Resolution No. 592, regarding the death of Melvin H. Kalthoff, which was adopted.
 Senator Stouffer offered Senate Resolution No. 593, regarding the death of Leo Vernon Thompson, which was adopted.
 Senator Stouffer offered Senate Resolution No. 594, regarding the death of Robert LaMont Shultz, which was adopted.
 Senator Stouffer offered Senate Resolution No. 595, regarding the death of Earl Bernard Stockhorst, which was adopted.
 Senator Stouffer offered Senate Resolution No. 596, regarding the birth of Cecilia Leann Pummill, Sweet Springs, which was adopted.
 Senator Stouffer offered Senate Resolution No. 597, regarding the birth of Jacob Keith Porterfield, Boonville, which was adopted.
 Senator Stouffer offered Senate Resolution No. 598, regarding the birth of Katelyn Marie Smith and Madison Ann Smith, Boonville, which was adopted.
 Senator Stouffer offered Senate Resolution No. 599, regarding the birth of Kendall Bryce Haston, Keytesville, which was adopted.
 Senator Stouffer offered Senate Resolution No. 600, regarding the birth of Preslee Jo Sunderland, Fayette, which was adopted.
 Senator Stouffer offered Senate Resolution No. 601, regarding the birth of Lydia Kay Eaton, Harrisburg, which was adopted.
 Senator Stouffer offered Senate Resolution No. 602, regarding the birth of Logan Wayne Hackman, Macon, which was adopted.
 Senator Stouffer offered Senate Resolution No. 603, regarding the birth of Matthew Joseph Bell-Ross, which was adopted.
 Senator Gibbons offered Senate Resolution No. 604, regarding Spence Jackson, which was adopted.
 Senator Gibbons offered Senate Resolution No. 605, regarding Betty Hatch, California, which was adopted.

THIRD READING OF SENATE BILLS

SB 173, introduced by Senator Scott, entitled:

An Act to repeal section 178.930, RSMo, and to enact in lieu thereof one new section relating to sheltered workshop payments.

Was taken up.

On motion of Senator Scott, **SB 173** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell

Days	Dougherty	Engler	Gibbons
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senator Graham—1

Absent—Senator Dolan—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 179**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 179

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to cost recovery for utility companies.

Was taken up.

Senator Ridgeway assumed the Chair.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 179** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—26		

NAYS—Senators

Bray

Dougherty

Kennedy

Ridgeway

Wheeler—5

Absent—Senator Dolan—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 222, with **SCS**, introduced by Senator Callahan, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to which tobacco products can be lawfully sold in Missouri.

Was called from the Consent Calendar and taken up.

SCS for **SB 222**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 222

An Act to amend chapter 149, RSMo, by adding thereto one new section relating to which tobacco products can be lawfully sold in Missouri.

Was taken up.

Senator Shields assumed the Chair.

Senator Callahan moved that **SCS** for **SB 222** be adopted, which motion prevailed.

On motion of Senator Callahan, **SCS** for **SB 222** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 257, introduced by Senator Koster, entitled:

An Act to repeal section 115.019, RSMo, and to enact in lieu thereof one new section relating to the board of election commissioners.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 257** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 258, with **SCS**, introduced by Senator Koster, entitled:

An Act to repeal section 205.010, RSMo, and to enact in lieu thereof one new section relating to county health centers.

Was called from the Consent Calendar and taken up.

SCS for **SB 258**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 258

An Act to repeal section 205.010, RSMo, and to enact in lieu thereof one new section relating to county health centers.

Was taken up.

Senator Koster moved that **SCS** for **SB 258** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 258** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 259, introduced by Senator Koster, entitled:

An Act to repeal section 64.215, RSMo, and to enact in lieu thereof one new section relating to county planning boards.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 259** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 260, with **SCS**, introduced by Senator Koster, entitled:

An Act to repeal section 50.530, RSMo, and to enact in lieu thereof one new section relating to county officials.

Was called from the Consent Calendar and taken up.

SCS for **SB 260**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 260

An Act to repeal section 50.530, RSMo, and to enact in lieu thereof one new section relating to county officials.

Was taken up.

Senator Koster moved that **SCS** for **SB 260** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **SB 260** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 262, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to Missouri wine.

Was called from the Consent Calendar and taken up.

SCS for **SB 262**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 262

An Act to repeal sections 311.070 and 311.615, RSMo, and to enact in lieu thereof two new sections relating to Missouri wine.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 262** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 262** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 285, introduced by Senators Clemens and Klindt, entitled:

An Act to repeal section 168.515, RSMo, and to enact in lieu thereof one new section relating to the career ladder program.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **SB 285** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 103, introduced by Senator Bartle and **SB 115**, introduced by Senator Bartle, with **SCS**, entitled respectively:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to pupil residency waiver requests, with penalty provisions.

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

Were called from the Consent Calendar and taken up.

SCS for **SBs 103** and **115**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 103 and 115

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 103** and **115** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SBs 103** and **115** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 42, introduced by Senator Days, entitled:

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

Was called from the Consent Calendar and taken up.

On motion of Senator Days, **SB 42** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 57, with **SCS**, introduced by Senator Klindt, entitled:

An Act to amend chapter 381, RSMo, by adding thereto two new sections relating to title insurance.

Was called from the Consent Calendar and taken up.

SCS for **SB 57**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 57

An Act to amend chapter 381, RSMo, by adding thereto two new sections relating to title insurance.

Was taken up.

Senator Klindt moved that **SCS** for **SB 57** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 57** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
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Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Bray
Clemens—2

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Klindt, title to the bill was agreed to.
Senator Klindt moved that the vote by which the bill passed be reconsidered.
Senator Gibbons moved that motion lay on the table, which motion prevailed.
SB 246, with **SCS**, introduced by Senator Days, entitled:
An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to the authorization of bonds.
Was called from the Consent Calendar and taken up.
SCS for **SB 246**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 246

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to the authorization of bonds.
Was taken up.
Senator Bartle assumed the Chair.
Senator Days moved that **SCS** for **SB 246** be adopted, which motion prevailed.
On motion of Senator Days, **SCS** for **SB 246** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster

Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Days, title to the bill was agreed to.
Senator Days moved that the vote by which the bill passed be reconsidered.
Senator Gibbons moved that motion lay on the table, which motion prevailed.
SB 280, introduced by Senator Taylor, entitled:
An Act to repeal section 329.050, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for cosmetologists.
Was called from the Consent Calendar and taken up.
On motion of Senator Taylor, **SB 280** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

President Kinder assumed the Chair.

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 73, with **SCS**, introduced by Senator Champion, entitled:

An Act to amend chapter 589, RSMo, by adding thereto one new section relating to sexual offender registry websites.

Was called from the Consent Calendar and taken up.

SCS for **SB 73**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 73

An Act to amend chapter 589, RSMo, by adding thereto one new section relating to sexual offender registry websites.

Was taken up.

Senator Champion moved that **SCS** for **SB 73** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 73** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 192, introduced by Senator Engler, entitled:

An Act to repeal section 490.733, RSMo, and to enact in lieu thereof one new section relating to hazardous materials.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 192** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn	
Champion	Clemens	Coleman	Crowell	
Days	Dolan	Dougherty	Engler	
Gibbons	Graham	Griesheimer	Gross	
Kennedy	Klindt	Koster	Loudon	
Mayer	Nodler	Purgason	Ridgeway	
Scott		Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31	

NAYS—Senators—
None

Absent—Senator Green
—1

Absent with leave—
Senators—None

Vacancies—2

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 267, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to property tax reassessment.

Was called from the Consent Calendar and taken up.

SCS for **SB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 267

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to property tax reassessment.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 267** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 267** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 238, with **SCS**, introduced by Senator Gross, entitled:

An Act to repeal section 67.1775, RSMo, and to enact in lieu thereof one new section relating to local sales tax to provide community services for children.

Was called from the Consent Calendar and taken up.

SCS for **SB 238**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 238

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to local sales tax to provide community services for children.

Was taken up.

Senator Koster assumed the Chair.

Senator Bartle assumed the Chair.

Senator Gross moved that **SCS** for **SB 238** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 238** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 268, introduced by Senators Gibbons and Coleman, entitled:

An Act to repeal section 184.357, RSMo, and to enact in lieu thereof one new section relating to museums and memorials.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **SB 268** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Gibbons, title to the bill was agreed to.
Senator Gibbons moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 304, introduced by Senators Ridgeway and Shields, entitled:
An Act to repeal sections 86.387 and 86.630, RSMo, and to enact in lieu thereof two new sections relating to police military leave.
Was called from the Consent Calendar and taken up by Senator Ridgeway.
Under the provisions of **SR 91**, Senator Wilson was excused from voting.
On motion of Senator Ridgeway, **SB 304** was read the 3rd time and passed by the following vote:

YEAS—Senators				
Bartle		Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell	
Days		Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer	
Gross		Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason	
Ridgeway	Scott	Shields	Stouffer	
Taylor	Vogel	Wheeler—31		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Excused from Voting—
Senator Wilson—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 317, introduced by Senators Mayer, et al, entitled:

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to the highway patrol retirement system.

Was called from the Consent Calendar and taken up by Senator Mayer.

On motion of Senator Mayer, **SB 317** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 161, with **SCS**, introduced by Senator Gross, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the powers of local school boards.

Was called from the Consent Calendar and taken up.

SCS for **SB 161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 161

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the powers of local school boards.

Was taken up.

Senator Gross moved that **SCS** for **SB 161** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 161** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 266, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal section 168.104, RSMo, and to enact in lieu thereof one new section relating to teachers.

Was called from the Consent Calendar and taken up.

SCS for **SB 266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 266

An Act to repeal section 168.104, RSMo, and to enact in lieu thereof one new section relating to teachers.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 266** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 266** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 286, introduced by Senator Nodler, entitled:

An Act to repeal sections 173.005 and 173.616, RSMo, and to enact in lieu thereof two new sections relating to out-of-state public institutions of higher education.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 286** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Nodler, title to the bill was agreed to.
Senator Nodler moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 38, introduced by Senators Nodler and Taylor, entitled:
An Act to repeal section 227.340, RSMo, and to enact in lieu thereof one new section relating to the George Washington Carver Memorial Highway.
Was called from the Consent Calendar and taken up by Senator Nodler.
On motion of Senator Nodler, **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 156, introduced by Senator Shields, entitled:

An Act to repeal sections 68.020 and 68.025, RSMo, and to enact in lieu thereof two new sections relating to port authorities.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **SB 156** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Senator Gross assumed the Chair.

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 209, introduced by Senator Koster, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

Was called from the Consent Calendar and taken up by Senator Koster.

On motion of Senator Koster, **SB 209** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 227, with **SCS**, introduced by Senator Engler, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Highway Patrolman Robert Kolilis memorial highway.

Was called from the Consent Calendar and taken up.

SCS for **SB 227**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 227

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Trooper Robert Kolilis memorial highway.

Was taken up.

Senator Engler moved that **SCS** for **SB 227** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 227** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Engler, title to the bill was agreed to.
Senator Engler moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 233, with **SCS**, introduced by Senator Stouffer, entitled:
An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Congressman Ike Skelton Bridge.
Was called from the Consent Calendar and taken up.
SCS for **SB 233**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 233

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Congressman Ike Skelton Bridge.
Was taken up.
Senator Stouffer moved that **SCS** for **SB 233** be adopted, which motion prevailed.
On motion of Senator Stouffer, **SCS** for **SB 233** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Vogel Wilson—30

NAYS—Senators—None

Absent—Senators

Dougherty Wheeler—2

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Stouffer, title to the bill was agreed to.
Senator Stouffer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 247, with **SCS**, introduced by Senator Dolan, entitled:
An Act to repeal section 301.3132, RSMo, and to enact in lieu thereof one new section relating to professional engineers license plates.
Was called from the Consent Calendar and taken up.
SCS for **SB 247**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 247

An Act to repeal sections 301.444 and 301.3132, RSMo, and to enact in lieu thereof two new sections relating to special license plates.
Was taken up.
Senator Dolan moved that **SCS** for **SB 247** be adopted, which motion prevailed.
On motion of Senator Dolan, **SCS** for **SB 247** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty

Wheeler—2

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion requested unanimous consent of the Senate to have the committee report on **SB 152** returned, which request was granted.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 298**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 299**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 306**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 155**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted

the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 501**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 182**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 261**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 291**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 50**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 324**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 152**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB**

160, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 393**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 168**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 606, regarding Sister Caroline Markway, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 607, regarding Dorothy Crain, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 608, regarding Susan Zorescu, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 609, regarding Jane Ebert, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 610, regarding Judy Briscoe, Saint Louis, which was adopted.

Senator Graham offered Senate Resolution No. 611, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Dabney, Raymondville, which was adopted.

Senator Green offered Senate Resolution No. 612, regarding Matthew Paul Bohn, Florissant, which was adopted.

Senator Kennedy offered Senate Resolution No. 613, regarding Gail Meyer, Saint Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 614, regarding Sue Cook, Saint Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, Karen Kissinger, Rick Ringel, Jerice Anterola, Matt DiMiceli, Zac Sobba, Lauren Holderby, Brad Bailey, Nathan Prichard, Frank DeMarco, Chris Lim and twenty students from St. Pius X School, Kansas City.

Senator Ridgeway introduced to the Senate, Mrs. Patricia Franseen, and Julia Schell, Patrick Gomer, Jessica Andrews, Nathan Rosner, Joshua Irving and Deborah and Jacob Babbitt, twelfth grade students from Eagle Heights Christian School, Kansas City.

Senator Ridgeway introduced to the Senate, Ben Wierzbicki, Excelsior Springs.

Senator Koster introduced to the Senate, members of Calvary Baptist Church and students from Calvary Baptist School and Grace Christian School, Nevada.

Senator Engler introduced to the Senate, Debbie Guemmer, Jennifer Kidwell, Sara Edmundson and Elaine Gannon, DeSoto.

Senator Engler introduced to the Senate, Kathy Parker, Farmington.

On behalf of Senators Callahan, Engler, Purgason and himself, Senator Kennedy introduced to the Senate, Randy Davis, Hillsboro; Cynthia Wentworth and Kimberly Mullendore, Independence; John Scullin, DeSoto; and Jerry Kirchhoff, West Plains.

Senator Stouffer introduced to the Senate, Cherie and Matt Norris and their children, Gordon, Brian, John and

Kevin, Bates City; and Gordon, Brian, John and Kevin were made honorary pages.

On behalf of Senator Wilson and himself, Senator Wheeler introduced to the Senate, Eric Winebrenner, Cy Ritter, Kevin Masters and Jennifer Chronister, members of the Kansas City Police Department.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Maria Katsaros, D.O., LLC, Columbia.

Senator Graham introduced to the Senate, Mrs. Mary Pratt, and nineteen students from Southern Boone County High School.

On behalf of Senator Scott, the President introduced to the Senate, Mike Holzknecht, Stockton.

Senator Stouffer introduced to the Senate, eighth grade students from Salisbury Middle School.

Senator Kennedy introduced to the Senate, Donna Abernathy, Mark Russen and Mark Ludwig, St. Louis.

Senator Kennedy introduced to the Senate, Steve Sallwasser and Jim Tornatore, St. Louis.

Senator Koster introduced to the Senate, Dave Ewing, and Ashley Edgerton, Daniel Fosnow, Matt McMullin, Lindsey Moore, Melissa Schad and Christine Sutherland, students from Central Missouri State University, Warrensburg.

Senator Taylor introduced to the Senate, Andrea Richardson, Shell Knob; and Alex Drury, Blue Springs; and Andrea and Alex were made honorary pages.

Senator Graham introduced to the Senate, Joe Priesmeyer and Mike Radzing, Columbia.

Senator Kennedy introduced to the Senate,

twenty students from St. Mary Magdalen School, St. Louis.

Senator Griesheimer introduced to the Senate, Mike and Chuck Marquart, Washington; and members of the Missouri Beer Wholesalers Association.

Senator Dougherty introduced to the Senate, Bill Hodge, parents and thirty tenth grade students from Tower Grove Christian School, St. Louis.

The President introduced to the Senate, Gayle S. Green, Sikeston.

Senator Engler introduced to the Senate, Jeffrey J. Panchot, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY–WEDNESDAY, MARCH 9, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441

HCS for HB 347

HCS for HB 468

HB 248-Pearce

HCS for HB 297

HCS for HB 14

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)

SB 88-Klindt
SS for SCS for SB 32-Bartle
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 291-Mayer, et al, with SCS
SB 5-Klindt, with SCS
SB 50-Taylor and Nodler, with SCS
SB 324-Scott, with SCS
SB 152-Wilson, with SCS

SB 160-Bartle, et al
SB 2-Loudon and Gross, with SCS
SB 168-Dolan, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 393, with SCS (Scott)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 185-Loudon, et al, with SA 1 (pending)
SB 187-Cauthorn and Clemens
SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)

SB 237-Klindt, et al, with SCS, SS for
SCS, SA 1 & SSA 1 for SA 1
(pending)
SB 269-Shields and Callahan,
with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn

SB 265-Taylor

SB 288-Klindt

SB 289-Engler, with SCS

SB 307-Purgason

SB 364-Purgason

SB 355-Griesheimer, et al, with SCS

SB 133-Loudon and Gross, with SCS

SB 308-Purgason

SB 28-Dolan, with SCS

Reported 3/8

SB 423-Bartle, with SCS

SB 279-Taylor

SB 422-Bartle

SB 68-Shields, with SCS

SB 298-Coleman

SB 299-Coleman

SB 306-Purgason

SB 155-Mayer, with SCS#2

SB 302-Coleman, with SCS

SB 501-Gibbons, with SCS

SB 182-Scott, with SCS

SB 261-Loudon

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon,
with HCS, as amended

RESOLUTIONS

To be Referred

SCR 9-Bray, et al

SCR 10-Scott

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—WEDNESDAY, MARCH 9, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“If we really want to pray, we have to give time to learning its lessons.” (Mother Mary Clare)

Gracious God, in the midst of this time called Lent, we are particularly mindful of the time in prayer we ought to spend with You. But, let us Lord, not only take the time to pray that is needed but let us discover ourselves as we truly are before You in our prayers and be able to mature and deepen our relationship with You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV, the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

Senator Ridgeway assumed the Chair.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 615, regarding Corrections Officer I Christopher Ryan “Chris” Adams, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 616, regarding Corrections Officer I James Redden, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 617, regarding Corrections Officer I Vaughn Morton, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 618, regarding Corrections Officer I Jack McKee, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 619, regarding Corrections Officer I Bobbie Culpepper, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 620, regarding Corrections Officer I Steven Denton, Iberia, which was adopted.

Senator Vogel offered Senate Resolution No. 621, regarding Corrections Officer II Derek Weaver, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 622, regarding Corrections Officer I Joseph Blevins, Jefferson City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Green offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

WHEREAS, more than two centuries ago, our founders envisioned a new nation, a land free from tyranny and filled with opportunity, prosperity, and liberty for all. Many Irish people, faced with severe hardship in their homeland, embraced the dream of a more promising future and left behind Ireland's shores, their families, and their friends for a new beginning in America. Each year during the month of March, we celebrate these courageous men and women of Ireland and remember with pride their many contributions to our nation; and

WHEREAS, with strength, courage, wit, and creativity, Irish Americans have flourished in our diverse nation of immigrants. Writers such as Flannery O'Connor and Eugene O'Neill have transformed our literature; entrepreneurs like Henry Ford helped revolutionize American industry; performers such as Gregory Peck and Helen Hayes have enriched the arts; patriots such as Audie Murphy, our most decorated soldier of World War II, redefined the meaning of courage; and social reformers such as suffragist Leonora Barry and labor organizer Mary Kenney O'Sullivan fought for the rights of others. Generations of Irish Americans have worked alongside their fellow Americans to build a more perfect union, and America is a stronger nation because of them; and

WHEREAS, during his visit to Ireland in 1963, President Kennedy reminded us that “our two nations, divided by distance, have been united by history”. Today, people on both sides of the Atlantic are united not only by history, but also once again by a dream of a better way of life. This month, as we celebrate Saint Patrick's Day and our shared heritage with Ireland, we remember as well our common love of liberty, commitment to progress, and quest for lasting peace, and we look toward a future as proud as our past; and

WHEREAS, 150 years ago, the blight that struck Ireland's potato crop (“the single root that changed the history of the world”), known as the Great Famine, caused 2,000,000 of Ireland's population to emigrate, mostly to America's shores, and in 1847 alone, 25,000 Irish immigrants arrived in Boston; by 1851, the end of the famine exodus, 1,712 emigrant ships had sailed up the Narrows into New York harbor, and during the “Great Hunger” (1845-1851) more people left Ireland than had emigrated in the previous 250 years; and

WHEREAS, within a few years of their arrival in the United States, these Irish immigrants took jobs as laborers, built railroads, canals, and schools, dedicated themselves to help build this nation, and this same legacy remains a part of today's American mainstream; and

WHEREAS, James Smith, George Taylor, Matthew Thornton, and Charles Thomson, four of the individuals who signed the Declaration of

Independence, were Irish born and nine other signers were of Irish ancestry; more than 200 Irish-Americans have been awarded the Congressional Medal of Honor and 19 Presidents of the United States proudly claim Irish heritage, included among them, the first president, George Washington;

WHEREAS, the 44,000,000 Americans of Irish ancestry, like their forebearers, continue to enrich all aspects of life in the United States, in science, education, art, agriculture, business, industry, literature, music, athletics, military and governmental service.

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, do hereby designate the month of March 2005 as Irish-American Heritage Month. The Governor is requested to issue a proclamation calling upon the people of the state of Missouri to observe this month with appropriate ceremonies, programs, and activities; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed a copy of this resolution for the Governor of the state of Missouri.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 237**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Griesheimer, the above substitute amendment was withdrawn.

SA 1 was again taken up.

At the request of Senator Klindt, the above amendment was withdrawn.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 29, Section 392.245, Line 3 of said page, by inserting after "service" the following: ";

(6) Notwithstanding any other provision of this subsection, any incumbent local exchange company may petition the commission for competitive classification within an exchange based on competition from any entity providing local voice service in whole or in part by using its own telecommunications facilities or other facilities or the telecommunications facilities or other facilities of a third party, including those of the incumbent local exchange company as well as providers that rely on an unaffiliated third-party Internet service. The commission shall approve such petition within sixty days unless it finds that such competitive classification is contrary to the public interest. The commission shall maintain records of regulated providers of local voice service, including those regulated providers who provide local voice service over their own facilities, or through the use of facilities of another provider of local voice service. In reviewing an incumbent local exchange telephone company's request for competitive status in an exchange, the commission shall consider their own records concerning ownership of facilities and shall make all inquiries as are necessary and appropriate from regulated providers of local voice service to determine the extent and presence of regulated local voice providers in an exchange".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 22, Section 392.200, Lines 26-28 of said page, by striking said lines; and

Further amend page 23, Line 1 of said page, by striking said line.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 28, Section 392.245, Lines 18-22 of said page, by striking said lines and inserting in lieu thereof the following:

"(3) Regardless of the technology utilized, local voice service shall mean two-way voice service capable of receiving calls from a provider of basic local telecommunications services as defined by subdivision (4) of section 386.020, RSMo;".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

Senator Shields offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 22, Section 392.200, Line 12 of said page, by striking the word “existing,”; and further amend said line by striking the comma “,” after the word “new”.

Senator Shields moved that the above amendment be adopted, which motion failed.

Senator Dolan offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 8, Section 386.020, Line 24, by inserting after the word “service” as it appears the second time in said line, the following: “**. Nonbasic telecommun-ication services shall include voice over internet protocol services**”

Senator Dolan moved that the above amendment be adopted, which motion failed.

Senator Griesheimer offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 21, Section 392.200, Lines 24-25 of said page, by striking the following: “or 392.361”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 22, Section 392.200, Line 18, by striking the word “any” and inserting in lieu thereof the following: “**each**”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Ridgeway offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 35, Section 392.500, Line 19, by inserting after all of said line the following:

“536.024. 1. When the general assembly authorizes any state agency to adopt administrative rules or regulations, the granting of such rulemaking authority and the validity of such rules and regulations is contingent upon the agency complying with the provisions of this section in promulgating such rules after June 3, 1994.

2. Upon filing any proposed rule with the secretary of state, the filing agency shall concurrently submit such proposed rule to the joint committee on administrative rules, which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period.

4. The committee may file with the secretary of state any comments or recommendations that the committee has concerning a proposed or final order of rulemaking. Such comments shall be published in the Missouri Register.

5. The committee may refer comments or recommendations concerning such rule to the appropriations and budget committees of the house of representatives and the appropriations committee of the senate for further action.

6. The provisions of this section shall not apply to rules adopted by the [public service commission and the] labor and industrial relations commission.

536.037. 1. There is established a permanent joint committee of the general assembly to be known as the “Committee on Administrative Rules”, which shall be composed of five members of the senate and five members of the house of representatives. The senate members of the committee shall be appointed by the president pro tem of the senate and the house members by the speaker of the house. The appointment of each member shall continue during his term of office as a member of the general assembly unless sooner removed. No major party shall be represented by more than three appointed members from either house.

2. The committee on administrative rules shall meet within ten days after its creation and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and one of whom shall be a member of the house of representatives. A majority of the members constitutes a quorum. Meetings of the committee may be called at such time and place as the chairman designates.

3. The committee shall review all rules promulgated by any state agency after January 1, 1976, except rules promulgated by the [public service commission and the] labor and industrial labor relations commission. In its review the committee may take such action as it deems necessary which may include holding hearings.

4. The members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee, to be paid out of the joint contingent fund.

Section 1. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under authority delegated to the Public Service Commission shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.” and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Bray offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 29, Section 392.245, Line 7, by striking the word “thirty” and inserting in lieu thereof the following: “**sixty**”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 26, Section 392.245, Line 20, by striking the words “subsections 2 through 5 of”; and

Further amend said section, page 34, line 16 by striking the words “subsections 2 through 5 of”; and

Further amend section 392.500, page 34, line 28 by striking the words “subsections 2 through 5 of”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 32, Section 392.245, Line 7, by striking the opening bracket; and

Further amend said section, page 33, line 5 by striking closing bracket.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SS** for **SCS** for **SB 237**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SS** for **SCS** for **SB 237**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

HCS for **HB 14**—Appropriations.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 393**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and passed **HCS** for **HB 135**, entitled:

An Act to repeal sections 100.710, 135.284, RSMo, section 100.840, as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, section 100.850, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1182, ninety-second general assembly, second regular session, section 100.850, as enacted by house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, first regular session, and section 100.850, as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 1394, ninety-second general assembly, second regular session and to enact in lieu thereof three new sections relating to business use incentives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Green offered Senate Resolution No. 623, regarding Rodney Jones, St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 624, regarding Corrections Officer I William Dennis, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 625, regarding Corrections Officer I Dan Conway, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 626, regarding Corrections Officer I Shawn Peery, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 627, regarding Corrections Officer II John Hagerty, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 628, regarding Corrections Officer II Scott McFarland, Bismark, which was adopted.

Senator Engler offered Senate Resolution No. 629, regarding Corrections Officer I Rodney St. Gemme, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 630, regarding Corrections Officer II Jack Feller, Bismark, which was adopted.

Senator Engler offered Senate Resolution No. 631, regarding Corrections Officer I Ben Cosgrove, Bismark, which was adopted.

Senator Engler offered Senate Resolution No. 632, regarding Corrections Officer I Clifford Moulton, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 633, regarding Corrections Officer I Janelle Caples, Bismark, which was adopted.

Senator Cauthorn offered Senate Resolution No. 634, regarding Corrections Classification Assistant Brook Kurth, New London, which was adopted.

Senator Cauthorn offered Senate Resolution No. 635, regarding Corrections Officer I Kristen Langley, Bowling Green, which was adopted.

Senator Scott offered Senate Resolution No. 636, regarding Brian Daniel Poppe, Lincoln, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Engler offered Senate Resolution No. 637, regarding Corrections Officer I Thomas D. Sanders, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 638, regarding Laundry Manager Terrance L. Cole, Desloge, which was adopted.

Senator Engler offered Senate Resolution No. 639, regarding Corrections Officer I John S. Moore, Irondale, which was adopted.

Senator Engler offered Senate Resolution No. 640, regarding Corrections Officer I Ronald L. Fryman, Potosi,

which was adopted.

Senator Engler offered Senate Resolution No. 641, regarding Corrections Officer I Joseph J. Whitter, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 642, regarding Corrections Officer I Roger L. Faulkner, Des Arc, which was adopted.

Senator Crowell offered Senate Resolution No. 643, regarding Marie Chronister, which was adopted.

Senator Crowell offered Senate Resolution No. 644, regarding Corporal Ryan Worthington, Perryville, which was adopted.

Senator Mayer offered Senate Resolution No. 645, regarding Joel Barbour, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 646, regarding Corrections Training Officer Allen L. Hughes, Bernie, which was adopted.

Senator Mayer offered Senate Resolution No. 647, regarding Cole David Allen, Poplar Bluff, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 393**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 393**, with **SCS**, entitled:

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 510.340, 514.060, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225, 538.230, and 538.300, RSMo, and to enact in lieu thereof twenty-three new sections relating to claims for damages and the payment thereof.

Was taken up by Senator Scott.

SCS for **HCS** for **HB 393**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 393

An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof seventeen new sections relating to claims for damages and the payment thereof.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 393** be adopted.

Senator Scott offered **SS** for **SCS** for **HCS** for **HB 393**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 393

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225, 538.230, and 538.300, RSMo, and to enact in lieu thereof twenty-one new sections relating to claims for damages and the payment thereof.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 393** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 18, Section 537.067, Line 16 of said page, by striking "1."; and

Further amend said bill and section, Page 20, Lines 2 to 4 of said page, by striking all of the underlined language on said lines and inserting in lieu thereof the following: "**if the plaintiff is found to bear sixty percent or more of the fault, then the court shall enter a directed verdict for the defendant and such plaintiff shall recover no**

damages. If the plaintiff is found to bear less than sixty percent of the fault, then a defendant shall be jointly and severally liable for the amount of the compensatory damages and noneconomic damages portion of the judgment rendered against defendants if such defendant is found to bear fifteen percent or more of fault. A defendant may not be jointly and severally liable for more than the percentage of punitive damages for which fault is attributed to such defendant by the trier of fact.”; and

Further amend said bill, Page 30, Section 538.229, Line 4 of said page, by inserting after all of said line the following:

“538.230. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services where fault is apportioned among the parties and persons released pursuant to subsection 3 of this section, the court, unless otherwise agreed by all the parties, shall instruct the jury to apportion fault among such persons and parties, or the court, if there is no jury, shall make findings, indicating the percentage of total fault of all the parties to each claim that is allocated to each party and person who has been released from liability under subsection 3 of this section.

2. The court shall determine the award of damages to each plaintiff in accordance with the findings, subject to any reduction under subsection 3 of this section and enter judgment against each party liable on the basis of the rules of joint and several liability. However, notwithstanding the provisions of this subsection, any defendant against whom an award of damages is made shall be jointly liable only with those defendants whose apportioned percentage of fault is [equal to or] less than such defendant.

3. Any release, covenant not to sue, or similar agreement entered into by a claimant and a person or entity against which a claim is asserted arising out of the alleged transaction which is the basis for plaintiff's cause of action, whether actually made a party to the action or not, discharges that person or entity from all liability for contribution or indemnity but it does not discharge other persons or entities liable upon such claim unless it so provides. However, the claim of the releasing person against other persons or entities is reduced by the amount of the released persons' or entities' equitable share of the total obligation imposed by the court pursuant to a full apportionment of fault under this section as though there had been no release.”; and

Further amend said bill, Page 30, Section 538.300, Line 13 of said page, by striking said line and inserting in lieu thereof the following: “[490.715, RSMo,] 509.050, RSMo, [510.263, RSMo,] 537.067,”; and

Further amend said bill, Page 33, Section 538.230, Lines 10 to 47 of said page, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Clemens assumed the Chair.

Senator Bartle renewed his motion on the adoption of **SA 1** and requested a roll call vote be taken. He was joined in his request by Senators Crowell, Dolan, Days and Taylor.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Coleman
Days	Dougherty	Engler	Gibbons
Graham	Green	Kennedy	Koster
Mayer	Taylor	Wheeler	Wilson—16

NAYS—Senators

Cauthorn	Champion	Clemens	Crowell
Dolan	Griesheimer	Gross	Klindt
Loudon	Nodler	Purgason	Ridgeway

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

Senator Bray offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 1, Section A, Line 8 of said page, by inserting after all of said line the following:

“135.163. 1. For all tax years beginning on or after January 1, 2006, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2005.

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year.”; and

Further amend said bill, Page 2, Section 355.176, Line 14 of said page, by inserting after all of said line the following:

“379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;
- (2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;
- (3) Insurance against loss or damage to aircraft;
- (4) All forms of motor vehicle insurance; and
- (5) All forms of life, accident and health, [and] workers' compensation insurance, **and medical malpractice liability insurance.**

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321.

383.112. Any insurer or self-insured health care provider that fails to timely report claims information as required by sections 383.100 to 383.125 shall be subject to the provisions of section 374.215, RSMo.

383.150. As used in sections 383.150 to 383.195, the following terms shall mean:

(1) "Association" [means], the joint underwriting association established pursuant to the provisions of sections 383.150 to 383.195;

(2) **"Competitive bidding process", a process under which the director seeks, and insurers may submit, rates at which insurers guarantee to provide medical malpractice liability insurance to any health care provider unable to obtain such insurance in the voluntary market;**

(3) "Director" [means], the director of the department of insurance;

[(3)] (4) "Health care provider" includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

[(4)] (5) "Medical malpractice insurance" [means], insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider;

[(5)] (6) "Net direct premiums" [means], gross direct premiums written on casualty insurance in the state of Missouri by companies authorized to write casualty insurance under chapter 379, RSMo 1969, in the state of Missouri, less return premiums thereon and dividends paid or credited to policyholders on such direct business.

383.151. When the department determines after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market, the director shall establish a method for providing such insurance to such health care providers. The director may:

(1) **Establish a competitive bidding process under which insurers may submit rates at which they agree to insure such health care providers; or**

(2) **Establish any other method reasonably designed to provide insurance to such health care providers.**

383.200. 1. As used in sections 383.200 to 383.225, the following terms mean:

(1) "Director", the same meaning as such term is defined in section 383.100;

(2) "Health care provider", the same meaning as such term is defined in section 383.100;

(3) "Insurer", an insurance company licensed in this state to write liability insurance, as described in section 379.010, RSMo;

(4) "Medical malpractice insurance", the same meaning as such term is defined in section 383.200.

2. The following standards and procedures shall apply to the making and use of rates pertaining to all classes of medical malpractice insurance:

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory. A rate is excessive if it is unreasonably high for the insurance provided. A rate is inadequate if it is unreasonably low for the insurance provided and continued use of it would endanger the solvency of the company. A rate is unfairly discriminatory if it does not reflect equitably differences in reasonably expected losses and expenses;

(2) (a) Every insurer that desires to increase a rate by less than fifteen percent shall file such rate, along with data supporting the rate change as prescribed by the director, no later than thirty days after such rate becomes effective. Filings under this paragraph shall not be subject to approval or disapproval by the director.

(b) Every insurer that desires to increase a rate by fifteen percent or more shall submit a complete rate application to the director. A complete rate application shall include all data supporting the proposed rate and such other information as the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this act.

(c) Every insurer that has filed a rate increase under paragraph (a) of this subdivision for two consecutive years and in the third year desires to file a rate increase which in the aggregate over the three-year period will equal or exceed a total rate increase of forty percent or more shall be required to submit a complete rate application under paragraph (b) of this subdivision.

(d) Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the fourth year in an amount not to exceed a twenty-five percent increase without being required to submit a complete rate application under paragraph (b) of this subdivision;

(3) The director of insurance shall promulgate rules setting forth standards that insurers shall adhere to in calculating their rates. Such rules shall:

(a) Establish a range within which an expected rate of return shall be presumed reasonable;

(b) Establish a range within which categories of expenses shall be presumed reasonable;

(c) Establish a range for the number of years of experience an insurer may consider in determining an appropriate loss development factor;

(d) Establish a range for the number of years of experience an insurer may consider in determining an appropriate trend factor;

(e) Establish a range for the number of years of experience an insurer may consider in determining an appropriate increased limits factor;

(f) Establish the proper weights to be given to different years of experience;

(g) Establish the extent to which an insurer may apply its subjective judgment in projecting past cost data into the future;

(h) Establish any other standard deemed reasonable and appropriate by the director;

(4) The director shall require an insurer to submit with any rate change application:

(a) A comparison, in a form prescribed by the director, between the insurer's initial projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which such data is available;

(b) A memorandum explaining the methodology the insurer has used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect. The director shall disapprove any rate application that does not fully reflect all such income;

(5) The director shall notify the public of any application from an insurer seeking a rate increase of fifteen percent or more, and shall hold a hearing on such application within forty-five days of such notice. The application shall be deemed approved ninety days after such notice unless it is disapproved by the director after the hearing;

(6) If after a hearing the director finds any rate of an insurer to be excessive, the director may order that the insurer discontinue the use of the rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

3. For insurers required to file pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, if there is insufficient experience within the state of Missouri upon which a rate can be based with respect to the classification to which such rate is applicable, the director may approve a rate increase that considers experiences within any other state or states which have a similar cost of claim and frequency of claim experience as this state. If there is insufficient experience within Missouri or any other states which have similar cost of claim and frequency of claim experience as Missouri, nationwide experience may be considered. The insurer in its rate increase filing shall expressly show the rate experience it is using.

4. All information provided to the director under this section shall be available for public inspection.

5. The remedies set forth in this chapter shall be in addition to any other remedies available under statutory or common law.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

383.205. For all medical malpractice insurance policies written for insureds in the state of Missouri, the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one.

383.210. In determining the premium paid by any health care provider, a medical malpractice insurer shall apply a credit or debit based on the provider's loss experience, or shall establish an alternative method giving due consideration to the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance. No medical malpractice insurer may use any rate or charge any premiums unless it has filed such schedule or alternative method with the director of insurance and the director has approved such schedule or alternative method. A debit shall be based only on those claims that have been paid on behalf of the provider.

383.215. On or before March first of each year, every insurer providing medical malpractice insurance to a health care provider shall file the following information with the director of insurance:

(1) Information on closed claims:

(a) The number of new claims reported during the preceding calendar year, and the total amounts of reserve for such claims and for allocated loss adjustment expenses in connection with such claims;

(b) The number of claims closed during the preceding year, and the amount paid on such claims, detailed as follows:

a. The number of claims closed each year with payment, and the amount paid on such claims and on allocated loss adjustment expenses in connection with such claims;

b. The number of claims closed each year without payment, and the amount of allocated loss adjustment expenses in connection with such claims;

(2) Information regarding judgments, payment, and severity of injury in connection with judgements:

(a) For each judgment rendered against an insurer for more than one hundred thousand:

a. The amount of the judgment and the amount actually paid to the plaintiff;

b. The category of injury suffered by the plaintiff. Injuries shall be categorized as follows:

Category 1: Temporary injury, emotional only.

Category 2: Temporary insignificant injury, including lacerations, contusions, minor scars, and rash.

Category 3: Temporary minor injury, including infections, missed fractures, and falls in hospitals.

Category 4: Temporary major injury, including burns, left surgical material, drug side effects, and temporary brain damage.

Category 5: Permanent minor injury, including loss of fingers, and loss or damage to organs.

Category 6: Permanent significant injury, including deafness, loss of limb, loss of eye, and loss of one kidney or lung.

Category 7: Permanent major injury, including paraplegia, blindness, loss of two limbs, and brain damage.

Category 8: Permanent grave injury, including quadriplegia, severe brain damage, and any injury requiring lifelong care or having a fatal prognosis.

Category 9: Death;

(3) Information on each rate change implemented during the preceding five-year period by state and medical specialty;

(4) Information on premiums and losses by medical specialty:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for

the preceding year, with specifics by medical specialty;

(b) Number of providers insured in each medical specialty;

(5) Information on premiums and losses by experience of the insured:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics as follows:

a. As to all insureds with no incidents within the preceding five-year period;

b. As to all insureds with one incident within the preceding five-year period;

c. As to all insureds with two incidents within the preceding five-year period;

d. As to all insureds with three or more incidents within the preceding five-year period;

(b) Number of providers insured:

a. With no incidents within the preceding five-year period;

b. With one incident within the preceding five-year period;

c. With two incidents within the preceding five-year period;

d. With three or more incidents within the preceding five-year period;

(6) Information on the performance of the investments of the insurer, including the value of the investments held in the portfolio of the insurer as of December thirty-first of the preceding calendar year, and the rate of return on such investments, detailed by category of investment as follows:

(a) United States government bonds;

(b) Bonds exempt from federal taxation;

(c) Other unaffiliated bonds;

(d) Bonds of affiliates;

(e) Unaffiliated preferred stock;

(f) Preferred stock of affiliates;

(g) Unaffiliated common stock;

(h) Common stock of affiliates;

(i) Mortgage loans;

(j) Real estate; and

(k) Any additional categories of investments specified by the director of insurance.

383.220. 1. On or before July 1, 2006, and after consultation with the medical malpractice insurance industry, the director shall establish an interactive Internet site which will enable any health care provider licensed in this state to obtain a quote from each medical malpractice insurer licensed to write the type of coverage sought by the provider.

2. The Internet site shall enable health care providers to complete an online form that captures a comprehensive set of information sufficient to generate a quote for each insurer. The director shall develop transmission software components which allow such information to be formatted for delivery to each medical malpractice insurer based on the requirements of the computer system of the insurer.

3. The director shall integrate the rating criteria of each insurer into its online form after consultation with each insurer using one of the following methods:

(1) Developing a customized interface with the insurer's own rating engine;

(2) Accessing a third-party rating engine of the insurer's choice;

(3) Loading the insurer's rating information into a rating engine operated by the director;

(4) Any other method agreed on between the director and the insurer.

4. After a health care provider completes the online form, the provider will be presented with quotes from each medical malpractice insurer licensed to write the coverage requested by the provider.

5. Quotes provided on the Internet site shall at all times be accurate. When an insurer changes its rates, such rate changes shall be implemented at the Internet site by the director, in consultation with the insurer, as soon as practicable but in no event later than ten days after such changes take effect. During any period in which an insurer has changed its rates but the director has not yet implemented such changed rates on the Internet site, quotes for that insurer shall not be obtainable at the Internet site.

6. The director shall design the Internet site to incorporate user-friendly formats and self-help guideline materials, and shall develop a user-friendly Internet user-interface.

7. The Internet site shall also provide contact information, including address and telephone number, for each medical malpractice insurer for which a provider obtains a quote at the Internet site.

8. By December 31, 2006, the director shall submit a report to the general assembly on the development, implementation, and affects of the Internet site established by this section. The report shall be based on:

(1) The director's consultation with health care providers, medical malpractice insurers, and other interested parties; and

(2) The director's analysis of other information available to the director, including a description of the director's views concerning the extent to which the information provided through the Internet site has contributed to increasing the availability of medical malpractice insurance and the effect the Internet site has had on the cost of medical malpractice insurance.

383.225. Each insurer shall file with the director of insurance new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision of this act.

383.230. Insurers writing medical malpractice insurance shall provide insured health care providers with written notice of any increase in renewal premium rates at least ninety days prior to the date of the renewal. At a minimum, the notice shall be sent by first class mail at least ninety days prior to the date of renewal and shall contain the insured's name, the policy number for the coverage being renewed, the total premium amount being charged for the current policy term, and the total premium amount being charged to renew the coverage.”; and

Further amend said bill, Page 20, Section 537.067, Line 4 of said page, by inserting after all of said line the following:

“537.072. In all tort actions based upon improper health care, the parties shall make a good faith effort to engage in mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit court. The parties shall advise the circuit court in writing that mediation take place. If mediation does not occur, the parties shall set forth in writing to the circuit court their good faith effort to conduct mediation.”; and

Further amend said bill, Pages 23 to 25, Section 538.210, by striking said section from the bill and inserting in lieu thereof the following:

“538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.

2. “Defendant” for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his **or her** nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. The limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who

shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his **or her** actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

538.211. 1. In all actions against a health care provider pursuant to this chapter, any health care defendant who has filed a timely motion to transfer venue may move for a hearing on the propriety of venue. All discovery shall be stayed except for discovery on the issue of venue raised in the motion. Within ninety days of the filing of the motion, the court shall set a hearing on the motion.

2. If after hearing the court determines that venue is improper, the court shall transfer venue to a county where venue is proper.

3. The court may award reasonable costs, expenses, and attorneys' fees associated with said motion to the prevailing party.”; and

Further amend said bill, Pages 27 and 28, Section 538.225, by striking said section from the bill and inserting in lieu thereof the following:

“538.225. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services, the plaintiff or [his] **the plaintiff's** attorney shall file an affidavit with the court stating that he **or she** has obtained the written opinion of a legally qualified health care provider which states that the defendant health care provider failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. [The affidavit shall state the qualifications of such health care providers to offer such opinion.] The health care provider who offers such opinion shall have education, training, and experience in a like area of expertise, or logical extension of the field of expertise, as the defendant health care provider. In addition, the health care provider must be actively engaged in the practice of medicine or have retired from actively practicing within five years of the date of the written opinion. The written opinion is, upon motion of a party, subject to in-camera review by the court without counsel or the parties present to assure its compliance with this section.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.

5. If the plaintiff or [his] the plaintiff's attorney fails to file such affidavit [the court may] within the time required under subsection 4 of this section, the action as to that defendant shall be stayed and the court shall, upon motion of any party, dismiss the action against [such moving party] that defendant without prejudice.

538.226. 1. The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person shall be inadmissible as evidence of an admission of liability in a civil action. A statement of fault, however, which is part of or in addition to any of the above shall be admissible under this section.

2. As used in this section, “benevolent gestures” means actions which convey a sense of compassion or commiseration emanating from humane impulses.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Ridgeway raised the point of order that **SA 2** goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 20, Section 537.067, Line 4, by inserting after all of said line the following:

“537.072. In all tort actions based upon improper health care, the parties shall make a good faith effort to engage in mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit

court. The parties shall advise the circuit court in writing that mediation take place. If mediation does not occur, the parties shall set forth in writing to the circuit court their good faith effort to conduct mediation.” and Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Days and Kennedy.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

President Pro Tem Gibbons assumed the Chair.

Senator Griesheimer offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 21, Section 538.205, Line 23 of said page, by inserting immediately after the word “RSMo,” the following: “provided such long-term care facility has not been cited for violation of a class III standard under section 198.085, RSMo, in the past three years,”.

Senator Griesheimer moved that the above amendment be adopted.

Senator Koster offered SA 1 to SA 4, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 1, Line 4, by striking the word “III” and inserting in lieu thereof: “I”.

Senator Koster moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Koster moved that **SA 1** to **SA 4** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Green.

SA1 to **SA 4** was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dougherty	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wilson—23	

NAYS—Senators

Crowell	Dolan	Engler	Gibbons
Klindt	Mayer	Nodler	Vogel—8

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—2

Senator Griesheimer moved that **SA 4**, as amended, be adopted, which motion prevailed.

Senator Dolan offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 23, Section 538.210, Line 6, by striking the opening and closing brackets; and further amend said line by striking the word “two”; and further amend said section, page 24, line 12 by striking the opening bracket “[” from said line; and further amend line 23 by striking the closing bracket “]” from said line; and further renumber the remaining subsections accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Crowell offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Line 3, by striking the words “and further amend said” and further amend lines 4 to 7 by striking all of said lines.

Senator Crowell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Nodler, Ridgeway, Shields and Stouffer.

SA 1 to **SA 5** was adopted by the following vote:

YEAS—Senators

Cauthorn	Champion	Clemens	Crowell
Engler	Gibbons	Griesheimer	Gross
Klindt	Loudon	Mayer	Nodler
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—18		
NAYS—Senators			
Bartle	Bray	Callahan	Coleman
Days	Dolan	Dougherty	Graham
Green	Kennedy	Koster	Purgason—12
Absent—Senators			
Wheeler	Wilson—2		
Absent with leave—Senators— None			
Vacancies—2			

Senator Dolan moved that **SA 5**, as amended, be adopted, which motion prevailed.
Senator Koster offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 28, Section 538.228, Line 23, by inserting after the word “treatment” the following: **“to a patient”**; and further amend said section and page, line 27 by inserting after the word “that” the following: **“solely”**; and

Further amend said section, page 29, lines 2 to 9 by striking all of said lines and insert in lieu thereof the following: **“amended, shall not be”**; and further amend said section and page, line 10 by striking the word “noneconomic” and inserting in lieu thereof the following: **“civil”**; and further amend said section and page, line 13 by inserting after the word “treatment” the following:

“or unless the physician maintained, at the time of treatment, liability insurance coverage for such treatment”; and further amend said section and page, lines 15-17 by striking all of said lines and inserting in lieu thereof the following:

“(2) Is certified in advance of the treatment as being rendered free of charge to the patient, with no compensation from any party or third-party provider, or any attempt to obtain compensation from any third-party provider.

For purposes of this section, a physician covered under the state legal expense fund under section 105.711, RSMo, shall not be construed as maintaining liability insurance coverage under this section.”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No.

393, Page 24, Section 538.210, Line 4, by inserting after the closing bracket “]” the following:

“ (1) Such limitation shall also apply to any individual or entity, or their employees or agents that provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and
(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.

Such limitation shall apply to all claims for contribution.

3. No individual or entity whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of that individual or entity whose liability is limited by the provisions of this chapter.

4.”; and further renumber the remaining subsections accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 14, Section 516.105, Line 8, by inserting immediately after said line the following:

“516.106. 1. In all matters involving health care and treatment, a “miscellaneous action” may be filed for purposes of obtaining pertinent medical records to allow an intelligent evaluation of the merit of a potential action against one or more health care providers, and which

(1) Shall be brought in the name of a person who believes that a claim against one or more health care providers might exist for negligence in the provision of health care; and

(2) Shall be filed in the county of residence of one of the persons filing such miscellaneous action; and

(3) Shall not name any health care provider as a defendant.

2. Such miscellaneous action shall be governed by the rules of civil procedure, and the filing fee therefor shall not exceed \$50.

3. Such miscellaneous action may be filed at any time within the time provided in section 516.105, and such filing shall toll the statute of limitations for such actions against health care providers for a period not to exceed 180 days from the date of filing of such miscellaneous action. Any claim arising out of the health care referenced in such miscellaneous action may be filed by any person or persons with standing to do so against any health care provider involved in such care within the time provided in section 516.105 as extended by the provisions of this section. Nothing contained herein shall revive a claim against a health care provider on which the statute of limitations had expired prior to the filing of the miscellaneous action.

4. For a period of 180 days from the date of filing of the miscellaneous action, plaintiff shall be able to compel the production of all medical records pertinent to the claim or claims which are believed may exist and which may be of assistance in determining the merit of filing any such potential claim. Such records shall be produced by the custodian of such medical records within a reasonable time, not to exceed seven days, following service of a subpoena for such records; and such subpoena shall be enforced by the court on such terms as are just under the circumstances, and production ordered forthwith in the event that a health care provider or custodian of records delays or refuses production of such medical records in response to such subpoena. No discovery other than production of medical records shall be permitted in such miscellaneous action.

5. At the conclusion of such period of 180 days, such miscellaneous action shall be dismissed without prejudice, but such dismissal without prejudice shall not operate as a voluntary dismissal without prejudice under rule 67.02 of the Missouri Rules of Civil Procedure in any action filed against a health care provider in connection with the health care or treatment which was the subject of such miscellaneous action.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler assumed the Chair.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Dougherty, Green and Kennedy.

SA 8 failed of adoption by the following vote:

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—2

Senator Stouffer offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 31, Section 3, Line 5, by inserting immediately after said line the following:

“Section 4. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no person shall qualify as an expert witness on such issue unless at least fifty percent of such person’s professional time within the two-year period preceding the incident giving rise to the action is devoted to actual clinical practice in the same profession in which the defendant is licensed.”.

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 23, Section 538.210, Line 9-12, by striking the words **“Nothing in this section shall limit the amount of noneconomic damages that may be recovered from any defendant that is not a health care provider.”.**

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 10** was withdrawn.

Senator Bartle offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 20, Section 537.067, Lines 2-4, by striking all of the underlined language on said lines and inserting in lieu thereof the following:

“if the defendant is found to bear fifty-one percent or more of fault, then the defendant shall be jointly and severally liable for the amount of the judgment rendered against the defendants. If a defendant is found to bear less than fifty-one percent of fault, then the defendant shall only be responsible for the percentage of the judgment for which the defendant is determined to be responsible by the trier of fact.

2. The defendants shall only be severally liable for the percentage of punitive damages for which fault is attributed to such defendant by the trier of fact.”.

Senator Bartle moved that the above amendment be adopted.

Senator Crowell requested a roll call vote be taken and was joined in his request by Senators Bartle, Cauthorn, Koster and Nodler.

SA 11 was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Coleman
Days	Dougherty	Engler	Gibbons
Graham	Green	Kennedy	Koster
Loudon	Mayer	Purgason	Taylor
Wheeler	Wilson—18		

NAYS—Senators

Cauthorn	Champion	Clemens	Crowell
Dolan	Griesheimer	Gross	Klindt
Nodler	Ridgeway	Scott	Shields
Stouffer	Vogel—14		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Callahan offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 5, Section 490.715, Line 20, by adding immediately following said line the following: “(d) **Whether a discount offered by a health care provider was the result of an agreement between a health care provider and an insurer who insured the plaintiff regardless of whether the insurance was paid for by the plaintiff directly or by another party, including but not limited to the plaintiff’s employer.**”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Callahan offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 26, Section 538.220, Line 4, by inserting before the “.” the following: “plus five percent”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Clemens assumed the Chair.

Senator Coleman offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 31, Section 3, Line 5 by adding immediately after said line the following: “**Section 4. In addition to any other fees allowed by law, every party filing a civil action in a circuit or associate circuit court shall be assessed at the time of filing a filing fee of \$3 unless the court finds that the party is a poor person under section 514.040, RSMo. All money collected by this filing fee shall go to the tort victims compensation fund and be used for the purposes established by sections 537.675 to 537.693 RSMo.**”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Crowell offered **SSA 1** for **SA 14**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 31, Section 3, Line 5 by adding immediately after said line the following: “**Section 4. In addition to any other fees allowed by law, every party filing a civil action in a circuit or associate circuit court shall be assessed at the time of filing a filing fee of \$3000 unless the court finds that the party is a poor person under section 514.040, RSMo. All money collected by this filing fee shall go to the tort victims compensation fund and be used for the purposes established by sections 537.675 to 537.693 RSMo.**”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above substitute amendment be adopted.

At the request of Senator Crowell, **SSA 1** for **SA 14** was withdrawn.

At the request of Senator Coleman, **SA 14** was withdrawn.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 393**, as amended, be adopted, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Scott, **SS** for **SCS** for **HCS** for **HB 393**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Debra A. Adams, 116 Cedarcrest Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2006, and until her successor is duly appointed and qualified; vice, Debra A. Adams, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 7, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

R. Randolph Beckner, 534 East Jefferson Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Ronald Graham, resigned.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons submitted the following appointment to the conference committee on **HCS** for **SS** for **SCS** for **SBs 1 and 130**, as amended: Senator Clemens to replace Senator Crowell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 229**, entitled:

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead exemption for the elderly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and passed **HB 230**, entitled:

An Act to repeal section 135.010, RSMo, and to enact in lieu thereof one new section relating to senior citizens property tax relief.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 379**, entitled:

An Act to repeal sections 36.031, 361.170, and 370.107, RSMo, and to enact in lieu thereof three new sections relating to compensation for financial institution regulators.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 648, regarding Catherine Ann Sweeny, Wentzville, which was adopted.

Senator Stouffer offered Senate Resolution No. 649, regarding Jimmy Peddicord, which was adopted.

Senator Stouffer offered Senate Resolution No. 650, regarding Cody Beck, which was adopted.

Senator Stouffer offered Senate Resolution No. 651, regarding the death of Samuel Christopher Lindsay, which was adopted.

Senator Stouffer offered Senate Resolution No. 652, regarding the death of Rollie Irvin Frazee, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Tami Bence and her children, Arron and Melissa, Tightwad; and Arron was made an honorary page.

Senator Nodler introduced to the Senate, Arthritis Foundation of Missouri volunteers from around the state.

Senator Coleman introduced to the Senate, Lee Fetter, Kathy Pope, Ann Donze and Todd Sklamberg, St. Louis.

Senator Wheeler introduced to the Senate, Scout Leader Matt Kauffman, and St. Elizabeth Pack 150 Webelos Boy Scouts, Kansas City; and Gus Hanger, Luke Owen, Ryan Kauffman, Matthew McAuliffe, Joe Woods, Michael Medina, Alex Schofield, Brian Torrence, Jack Bohnenstiehl and Tim Dickson were made honorary pages.

Senator Nodler introduced to the Senate, Candy Kelly and her son Brennen, Joplin; and Brennen was made an honorary page.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Mary Ellen Mullen, M.D. and her husband, Tom, Mexico.

Senator Champion introduced to the Senate, Laura Wilson and her daughter Cheyenne, Springfield; and Cheyenne was made an honorary page.

Senator Graham introduced to the Senate, Dr. Wanda Brown, Principal; Football Coaches Greg Nesbitt, Daniel Calvert, Jeff Moore, Jason Wright, Steve Luetjen, Arnel Monroe, Devin Brown and Dave Wilson; Team Captains Cedric Albus, Joe Schumacher, Ryan Nesbitt, Mike Roper, Brandon Kendrick, Luke Harper and Blake Tekotte and members of the Class 6 State Champion Football Team; Cross Country Coach Steve Kissane and Tim Cornell, State Cross Country Champion; and Wrestling Coach J.D. Coffman and Tony Pescaglia, Class 4A State Wrestling Champion, Hickman High School, Columbia.

Senator Gross introduced to the Senate, Reverend Bob Farn, St. Peters; John Thaelke, Dan Rozier, Heidi Weiss, Denita Malone and Gerri Nold, St. Charles; and Pam Beussink, Lake St. Louis.

Senator Gibbons introduced to the Senate, Pegi Price and her son Samuel Price Zoole, St. Louis; and Samuel was made an honorary page.

Senator Scott introduced to the Senate, Mrs. Becky Gallagher, Mrs. Tara Carter, Mrs. Carolyn Harms, Mrs. Bonnie Swisher and the Windsor Elementary Student Council; and Amanda Malotte, Brett Rosebrough, Kaitlin Eckhoff, Katie Neuman and Lauren Hadley were made honorary pages.

Senator Bray introduced to the Senate, Leah Meyers, Paula Stolle, Tracy Robinson and forty fourth grade students

from Drummond Elementary School, St. Ann.

On behalf of Senator Loudon and himself, Senator Griesheimer introduced to the Senate, Claire Franke, Cassie Michel, Rachel Hartmann,

Tiffany Tocco and Jona Xiao, Wildwood; Jake Ferree, Ellisville; and Stacey McMackin, Richmond Heights.

Senator Coleman introduced to the Senate, her niece, Ruby Asare; Lorilee Richardson and Molly Beck, Rachel Pollock, Whitney McLean, Laura Steiner, Elizabeth Unal, Vanessa Munoz and Darlene Valentine, students from Parkway Central, St. Louis.

Senator Wilson introduced to the Senate, June Kolkmeier, Kansas City.

On behalf of Senators, Graham, Dougherty, Crowell, Nodler and himself, Senator Cauthorn introduced to the Senate, members of the Missouri 4-H Legislative Academy, Cyndi Lemmon, Barb Casady and Steve Henness, Columbia; Eric Thomas, St. Louis; Stephanie Schindler, Perryville; Elizabeth Schellhorn, Neosho; Ryan Niemeyer, Patty Fisher and Annie Cafer, Bowling Green; Jacob Cafert, Frankford; and Laura Chapuis, Louisiana.

Senator Griesheimer introduced to the Senate, former State Representatives Cindy Ostmann and Harriet Brown, St. Charles County; and Aaron Aitch, St. Clair.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY–THURSDAY, MARCH 10, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood

HCS for HB 379

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)
SB 88-Klindt

SS for SCS for SB 32-Bartle
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 291-Mayer, et al, with SCS
SB 5-Klindt, with SCS
SB 50-Taylor and Nodler, with SCS
SB 324-Scott, with SCS

SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 2-Loudon and Gross, with SCS
SB 168-Dolan, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 185-Loudon, et al, with SA 1 (pending)
SB 187-Cauthorn and Clemens

SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)
SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn
SB 265-Taylor
SB 288-Klindt
SB 289-Engler, with SCS
SB 307-Purgason
SB 364-Purgason
SB 355-Griesheimer, et al, with SCS
SB 133-Loudon and Gross, with SCS
SB 308-Purgason

SB 28-Dolan, with SCS

Reported 3/8

SB 423-Bartle, with SCS
SB 279-Taylor

SB 422-Bartle
SB 68-Shields, with SCS
SB 298-Coleman
SB 299-Coleman

SB 306-Purgason
SB 155-Mayer, with SCS#2
SB 302-Coleman, with SCS
SB 501-Gibbons, with SCS
SB 182-Scott, with SCS
SB 261-Loudon

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon,
with HCS, as amended

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

SCR 11-Green

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 10, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Saying ‘Yes’ to God’s gift of love and life primarily and above all else means choosing love as a life principle.” (John Powell)

Loving God, as we complete this day’s work and journey back to those we love, let us be thankful for Your teaching us the meaning of loving imperfect people as ourselves so that we might overlook the flaws of others. And help us, Lord, make love our “life principle” expressing it in the varied relationships You have given us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators —
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 653, regarding Edwin P. Hubble Elementary School, Marshfield, which was adopted.

Senator Crowell offered Senate Resolution No. 654, regarding the 2004-2005 Jackson High School Music Program, which was adopted.

Senator Crowell offered Senate Resolution No. 655, regarding the Perry County Middle School Seventh Grade Girls Basketball Team, Perryville, which was adopted.

Senator Wilson offered Senate Resolution No. 656, regarding the Seventy-fifth Birthday of Ida Marie Hughes, which was adopted.

Senator Wilson offered Senate Resolution No. 657, regarding Raymond Handy, Sr., which was adopted.

Senator Purgason offered Senate Resolution No. 658, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Boer, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 659, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Lester Allen Graff, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 237**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 187** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 187, Page 5, Section 640.715, Line 4, by deleting the opening and closing brackets.

Senator Graham moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Cauthorn offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 187, Page 5, Section 640.715, Line 27, by inserting after all of said line the following:

“2. The owner or operator of any class 1B concentrated animal feeding operation shall provide the following information to adjoining property owners:

(1) The number of animals anticipated at such facility;

(2) A general description of the waste handling plan and layout of the facility;

(3) The location and number of acres of such facility; and

(4) The name, address, and telephone number of a contact person for further information as it relates to subdivisions (1) to (3) of this subsection.”; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Cauthorn moved that the above substitute amendment be adopted.

Senator Graham raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment, in that it deals with a different subject matter.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

Senator Gross assumed the Chair.

Senator Cauthorn moved that **SSA 1** for **SA 1** be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Clemens assumed the Chair.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 187, Page 4, Section 640.710, Lines 40-45, by striking all of said lines; and further amend said section and page, line 46 by striking all of said line and inserting in lieu thereof the following: “**3.** Except as provided in subsections [3 and] 4 **and 5** of this section, the”; and further amend said section, page 5, line 73 by striking the opening and closing brackets; and further renumber the remaining subsections accordingly; and further amend section 640.715, page 5, line 8 by striking “4” and inserting in lieu thereof the following: “**3**”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Green, Kennedy, Callahan and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Engler—1

Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Cauthorn, **SB 187**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HBs 94** and **185**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition grants for dependents and spouses of military members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 365**, entitled:

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 100**, entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 186**, entitled:

An Act to repeal sections 56.060, 56.631, 56.640, 56.650, 56.660, 67.1775, 67.1922, 67.1934, 94.700, 144.518, 184.357, 210.860, and 210.861, RSMo, and to enact in lieu thereof twenty new sections relating to county government, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 48**, entitled:

An Act to repeal sections 144.518 and 184.357, RSMo, and to enact in lieu thereof three new sections relating to museum and tourism-related activities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following

appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jeanne M. Lillig-Patterson and Martha L. Boswell, as members of the Coordinating Board for Higher Education;

Also,

Dana D. Thompson, as a member of the Board of Probation and Parole;

Also,

William J. Luetkenhaus, as a member of the Missouri Housing Development Commission;

Also,

Gregory M. Brown, as a member of the Missouri Fire Education Commission;

Also,

Michael D. Geske, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Rodney J. Boyd, as a member of the Lincoln University Board of Curators;

Also,

Linda Hickam-Fountain, D.V.M., as a member of the Missouri Veterinary Medical Board;

Also,

Donald W. McNutt, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Samuel L. Shipman, as a member of the Corrections Officer Certification Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 660, regarding Glenda Roe Parker, Florissant, which was adopted.

Senator Gross offered Senate Resolution No. 661, regarding the Commerce Bank, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 662, regarding James Gregory, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 663, regarding Steve Pope, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 664, regarding Mary Magrew, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 665, regarding Richard Ruffert, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 666, regarding Kevin Bohnert, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 667, regarding Donald Garrison, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 668, regarding Patricia Singley, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 669, regarding Latricia Baldwin, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 670, regarding Ronald Arbuthnot, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 671, regarding John Hoffmann, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 672, regarding Julie Stevens, Saint Charles, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Clemens.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Taylor submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 355**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

On behalf of Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws,

Senator Taylor submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 539**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 114**, entitled:

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS** for **SCS** for **HCS** for **HB 393**, as amended, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

RESOLUTIONS

Senators Dolan and Gross offered Senate Resolution No. 673, regarding Paul Renaud, O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Barb Ryan, Liz Morrison, Amber Booth and Sean Edwards, students from Parkway South High School, St. Louis.

Senator Purgason introduced to the Senate, Charlie Erickson, Peace Valley.

Senator Coleman introduced to the Senate, Lynne Nelson and seventy-five seventh and eighth grade students from St. John the Baptist School, St. Louis.

Senator Crowell introduced to the Senate, students from Cape Christian School, Cape

Girardeau.

Senator Klindt introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

Senator Engler introduced to the Senate, members of the 1140 National Guard Unit and their families.

Senator Kennedy introduced to the Senate, Melanie Acker, Richard Money, Donna Bowers and Kathy Kresler, St. Louis.

Senator Bray introduced to the Senate, Judy Neely, Mindy Rugger, Julia Graham and sixty-five fourth grade students from Drummond Elementary School, St. Ann.

On motion of Senator Taylor, the Senate adjourned until 4:00 p.m., Monday, March 14, 2005.

SENATE CALENDAR

THIRTY-EIGHTH DAY—MONDAY, MARCH 14, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441

HCS for HB 347

HCS for HB 468

HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood

HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al
HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)
SB 88-Klindt
SS for SCS for SB 32-Bartle
(In Fiscal Oversight)
SS for SCS for SB 237-Klindt

SENATE BILLS FOR PERFECTION

SB 291-Mayer, et al, with SCS
SB 5-Klindt, with SCS
SB 50-Taylor and Nodler, with SCS
SB 324-Scott, with SCS
SB 152-Wilson, with SCS

SB 160-Bartle, et al
SB 2-Loudon and Gross, with SCS
SB 168-Dolan, et al, with SCS
SB 539-Purgason, et al

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn
SB 265-Taylor
SB 288-Klindt
SB 289-Engler, with SCS
SB 307-Purgason

SB 364-Purgason
SB 133-Loudon and Gross, with SCS
SB 308-Purgason
SB 28-Dolan, with SCS

Reported 3/8

SB 423-Bartle, with SCS
SB 279-Taylor
SB 422-Bartle
SB 68-Shields, with SCS

SB 298-Coleman
SB 299-Coleman
SB 306-Purgason
SB 155-Mayer, with SCS#2

SB 302-Coleman, with SCS
SB 501-Gibbons, with SCS
SB 182-Scott, with SCS
SB 261-Loudon

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon, with
HCS, as amended

Requests to Recede or Grant Conference

HCS for HB 393, with SS for SCS,
as amended (Scott)
(House requests Senate
recede or grant conference)

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

SCR 11-Green

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Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY—MONDAY, MARCH 14, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“For we are God’s fellow-workers: We are God’s husbandry, God’s builders.” (I Corinthians 3:9)

Gracious God, we give You thanks and praise for the honor You have shown us by making us Your co-workers, to cooperate with Your will for us, to be willing to work and even sacrifice in our caring for our fellow citizens. We know, Lord, that by doing so we are doing the work You have for us, for You have given us eyes to see the needs of Your people and time in which to use wisely and productively. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 10, 2005, was read and approved.

Senator Shields announced that photographers from Public Access Television, St. Louis, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 674, regarding Mr. and Mrs. Jacob Aumock, which was adopted.

Senator Stouffer offered Senate Resolution No. 675, regarding Mr. and Mrs. Lloyd Pannell, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 676, regarding Mr. and Mrs. Brent Niemeier, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 677, regarding Mr. and Mrs. David Linville, which was adopted.

Senator Stouffer offered Senate Resolution No. 678, regarding Mr. and Mrs. Curtis Kemble, which was adopted.

Senator Shields offered Senate Resolution No. 679, regarding Colonel Kenneth H. Nash, Saint Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 680, regarding Jared R. Hill, Platte City, which was adopted.

Senator Champion offered Senate Resolution No. 681, regarding Jack C. Ernst, Jr., Ed.D., Springfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 682, regarding John M. Eichelberger, Boonville, which was adopted.

Senator Kennedy offered Senate Resolution No. 683, regarding Sergeant Charles Marvin, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 684, regarding Daniel Nieters, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 685, regarding Michael A. Mueller, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 686, regarding the One Hundredth Anniversary of St. Paul's Lutheran Church, Concordia, which was adopted.

Senator Purgason offered Senate Resolution No. 687, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Stanley Hicks, Houston, which was adopted.

Senator Purgason offered Senate Resolution No. 688, regarding the Sixty-eighth Wedding Anniversary of the Reverend and Mrs. William Abney, Willow Springs, which was adopted.

Senator Purgason offered Senate Resolution No. 689, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cleo Elam, Lebanon, which was adopted.

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 690

WHEREAS, the Missouri General Assembly has a long tradition of rendering assistance to those programs aimed at developing qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2005, the American Legion Auxiliary, Department of Missouri, is conducting the Sixty-fourth annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event is the conducting of a mock legislative session in the senate Chamber at the State Capitol where participants will gather to gain a more realistic insight into official governmental and electoral proceedings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, hereby grant the adult leaders and participants of the Sixty-fourth Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of conducting a mock legislative

session on Tuesday, June 21, 2005, from 9:30 a.m. to 12:00 p.m.

Senator Coleman requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 690** up for adoption, which request was granted.

On motion of Senator Coleman, **SR 690** was adopted.

Senator Champion offered Senate Resolution No. 691, regarding the Ozarks Technical Community College, Springfield, which was adopted.

THIRD READING OF SENATE BILLS

SB 88, introduced by Senator Klindt, entitled:

An Act to repeal section 261.241, RSMo, and to enact in lieu thereof two new sections relating to food inspection.
Was taken up.

On motion of Senator Klindt, **SB 88** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—27	

NAYS—Senators

Dougherty	Wheeler	Wilson—3
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Absent—Senators

Gibbons	Purgason—2
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Absent with leave—Senators—
None

Vacancies—2

President Kinder assumed the Chair.

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 237**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 237

An Act to repeal sections 386.020, 392.200, 392.245, 392.500, 536.024, and 536.037, RSMo, and to enact in lieu thereof seven new sections relating to telecommunications companies.

Was taken up.

On motion of Senator Klindt, **SS** for **SCS** for **SB 237** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—28

NAYS—Senators

Bray	Dougherty	Wheeler	Wilson—4
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Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 187**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 374**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 323**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 347**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 518**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 75** and **SB 353**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 170**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 401**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 480**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 496**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 84**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 476**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 479**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was

referred **SB 358**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 348**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

At the request of Senator Mayer, **SB 291**, with **SCS**, was placed on the Informal Calendar.

SB 5, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Taylor, **SB 50**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Scott, **SB 324**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wilson, **SB 152**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bartle, **SB 160** was placed on the Informal Calendar.

SB 2, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Dolan, **SB 168**, with **SCS**, was placed on the Informal Calendar.

Senator Purgason moved that **SB 539** be taken up for perfection, with motion prevailed.

Senators Purgason, Bartle, Scott, Gibbons, Dolan, Ridgeway and Crowell offered **SS** for **SB 539**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 539

An Act to repeal sections 178.661, 178.662, 178.664, 178.666, 178.669, 178.671, 178.673, 208.010, 208.146, 208.151, 208.152, 208.162, 208.215, 208.225, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568, 208.571, 453.072, and 453.073, RSMo, and to enact in lieu thereof twenty-nine new sections relating to health care and social services, with penalty provisions and an emergency clause for a certain section.

Senator Purgason moved that **SS** for **SB 539** be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Purgason, **SB 539**, with **SS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 174**, entitled:

An Act to repeal sections 339.100, 339.710, 339.720, and 339.780, RSMo, and to enact in lieu thereof four new sections relating to real estate agents and brokers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 393**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 393**, as amended: Senators Scott, Bartle, Shields, Callahan and Wheeler.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local

Government, Senator Shields submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 516**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 507**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 502**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 490**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 453**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 431**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 392**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 380**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 372**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 361**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was

referred **SB 343**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 692, regarding the members of Phi Theta Kappa’s All-Missouri Academic Team and the Missouri Community College Association, which was adopted.
On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 539**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.
SS for **SB 539** was again taken up.
Senator Purgason offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 539, Page 72, Section 660.670, Line 24 of said page, by striking the word “date” and inserting in lieu thereof the following: “**data**”; and further amend line 26 of said page, by striking “mailing” and inserting in lieu thereof “**Transmitting**”.
Senator Purgason moved that the above amendment be adopted, which motion prevailed.
Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 539, Page 32, Section 208.152, Line 15 of said page, by striking the opening bracket “[”]; and
Further amend said bill and section, page 33, line 17 of said page, by striking the closing bracket “]”; and further amend said section by renumbering the remaining subdivisions accordingly.
Senator Kennedy moved that the above amendment be adopted.
Senator Clemens assumed the Chair.
Senator Kennedy requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Coleman, Dougherty, Wheeler and Wilson.
Senator Nodler assumed the Chair.
President Kinder assumed the Chair.
SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Crowell
Dolan	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Absent—Senator Clemens—1

Absent with leave—Senators—
None

Vacancies—2

Senator Ridgeway offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 539, Page 65, Section 208.798, Line 10, by deleting “. **The**” and inserting in lieu thereof “, **the**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 539, Page 101, Section B, Line 3, by inserting after all of said line the following:

“Section C. Section A of this act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2006, or at a special election to be called by the governor for that purpose, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petition, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title accordingly.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Wheeler, Dougherty, Wilson and Graham.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Dougherty
Graham	Kennedy	Wheeler	Wilson—8

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

Absent—Senators

Days

Green—2

Absent with leave—Senators—
None

Vacancies—2

Senator Wheeler offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 539, Page 29, Section 208.152, Line 17 of said page, by striking the opening bracket “[”; and further amend line 19 of said page, by striking the closing bracket “]”; and further amend said subsection by renumber the remaining subdivisions accordingly.

Senator Wheeler moved that the above amendment be adopted.

Senator Ridgeway assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

Absent—Senators

Crowell Loudon—2

Absent with leave—Senators—
None

Vacancies—2

SA 5 was again taken up.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

Absent—Senators

Green Loudon—2

Absent with leave—Senators—
None

Vacancies—2

SA 5 was again taken up.

Senator Wheeler moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken and was joined in his request by Senators Days, Dougherty, Wheeler and Wilson.

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Kennedy
Mayer	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Gibbons	Griesheimer	Gross
Klindt	Koster	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—18		

Absent—Senators

Dolan Green Loudon—3

Absent with leave—Senators—
None

Senator Purgason offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 539, Page 72, Section 660.670, Lines 27-28 of said page, by striking all of said lines and inserting in lieu thereof the following: “**care attendant on behalf of the consumer.**”; and further amend page 73, lines 1-2 by striking all of said lines.

Senator Purgason moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wilson—29

Absent—Senators

Dougherty	Green	Wheeler—3
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Absent with leave—Senators—
None

SA 6 was again taken up.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Purgason offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 539, Page 53, Section 208.225, Line 16, by inserting after all of said line the following:

“208.640. [1. Parents and guardians of uninsured children with available incomes between one hundred eighty-six and two hundred twenty-five percent of the federal poverty level are responsible for a five-dollar co-payment.

2.] Parents and guardians of uninsured children with incomes between [two hundred twenty-six] **one hundred fifty-one** and three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage pursuant to this [subsection] **section**. For the purposes of sections 208.631 to 208.657, “affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or

equal to one hundred thirty-three percent of the monthly average premium required in the state's current Missouri consolidated health care plan. The parents and guardians of eligible uninsured children pursuant to this [subsection] **section** are responsible [for co-payments equal to the average co-payments required in the current Missouri consolidated health care plan rounded to the nearest dollar, and] a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total aggregate cost sharing for a family covered by these sections shall not exceed five percent of such family's income for the years involved. No

co-payments or other cost sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations. Cost-sharing provisions pursuant to sections 208.631 to 208.657 shall not exceed the limits established by 42 U.S.C. Section 1397cc(e).”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted.

At the request of Senator Purgason, **SB 539**, with **SS** and **SA 7** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Chip and Mary Ulm, Sam and Lisa Bartow, Jay Luebbert and Stacy Vehige, and members of the Central Missouri Eagles Hockey Team: Cale and Haley Bartow, Grant and Rachel Ulm, Austin and Chandler Luebbert, Jack Hoerchler, Kyle and Justin Vehige, Kevin Asel and Jeremy Richardson.

Senator Koster introduced to the Senate, C. Wayne Godsey, Kansas City.

Senator Scott introduced to the Senate, Lynne Albus and her children, Julienne and Joshua, Lowry City; and Julienne and Joshua were made honorary pages.

On behalf of Senators Crowell, Vogel and herself, Senator Coleman introduced to the Senate, James Lucas Houchin and his mother, Theresa, Sikeston; and John Samuel Lincoln and his mother, Jera, Jefferson City; and James and John were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 10:30 a.m., Tuesday, March 15, 2005.

SENATE CALENDAR

THIRTY-NINTH DAY–TUESDAY, MARCH 15, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood

HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al
HCS for HB 186

HB 48-Dougherty
HB 114-Johnson (47)
HCS for HB 174

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)
SS for SCS for SB 32-Bartle
(In Fiscal Oversight)

SB 187-Cauthorn and Clemens

SENATE BILLS FOR PERFECTION

SB 348-Clemens

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 168-Dolan, et al, with SCS
SB 185-Loudon, et al, with SA 1
(pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)

SB 269-Shields and Callahan, with SCS
SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS
SB 539-Purgason, et al, with SS &
SA 7 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn

SB 265-Taylor

SB 288-Klindt

SB 289-Engler, with SCS

SB 307-Purgason

SB 364-Purgason

SB 133-Loudon and Gross, with SCS

SB 308-Purgason

SB 28-Dolan, with SCS

Reported 3/8

SB 423-Bartle, with SCS

SB 279-Taylor

SB 422-Bartle

SB 68-Shields, with SCS

SB 298-Coleman

SB 299-Coleman

SB 306-Purgason

SB 155-Mayer, with SCS#2

SB 302-Coleman, with SCS

SB 501-Gibbons, with SCS

SB 182-Scott, with SCS

SB 261-Loudon

Reported 3/14

SB 374-Loudon and Bray, with SCS

SB 323-Bartle

SB 347-Clemens and Taylor

SB 518-Kennedy and Graham

SBs 75 & 353-Champion and Wheeler,
with SCS

SB 170-Gross, with SCS
SB 401-Kennedy
SB 480-Shields
SB 496-Mayer, with SCS
SB 84-Bray, with SCS
SB 394-Nodler
SB 476-Scott
SB 479-Scott
SB 358-Taylor
SB 526-Scott
SB 516-Griesheimer
SB 468-Griesheimer, with SCS
SB 507-Graham
SB 502-Gibbons, with SCS
SB 490-Koster

SB 450-Dolan, with SCS
SB 453-Loudon
SB 431-Callahan
SB 392-Coleman, with SCS
SB 380-Wheeler
SB 372-Engler, et al, with SCS
SB 361-Stouffer
SB 343-Bartle, et al

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon, with
HCS, as amended

HCS for HB 393, with SS for SCS, as
amended (Scott)

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

SCR 11-Green

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 15, 2005

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“For (God) is good, for his steadfast love endures forever.” (2 Chronicles 7:3b)

Loving Father, You keep right on blessing us even when we don’t deserve it; so we give You thanks for loving us and keeping us in Your care. Please strengthen us for the work we have to do. Help us to be loving to those who work on our behalf. And help us remember always to be grateful for Your grace, mercy, love and presence and all we owe You that sustains us each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Shields moved that the Senate Journal for Monday, March 14, 2005, be corrected on Page 444, Column 1, in the roll call, by recording Senator Clemens as “nay” rather than “absent”; and further amend the vote totals accordingly, which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

Senator Shields announced that photographers from KRCG-TV and Public Access Television, St. Louis, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 693, regarding Corrections Officer I Ronald Denler, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 694, regarding Corrections Officer I Darrell Harrison, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 695, regarding Corrections Officer I Rebecca Caldwell, Center, which was adopted.

Senator Cauthorn offered Senate Resolution No. 696, regarding Corrections Officer I Randy Graddy, Center, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 393**, as amended: Representatives Byrd, Pratt, Richard, Burnett and Johnson 90.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 464**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 295**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 310**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 355**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 378**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 534**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 320**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 404**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 405**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 418**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 420** and **SB 344**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 407**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 539**, with **SS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

Senator Purgason moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Scott assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

Absent—Senator Loudon—1

Absent with leave—Senators—
None

Vacancies—2

SA 7 was again taken up.

President Pro Tem Gibbons assumed the Chair.

Senator Purgason moved that **SA 7** be adopted.

Senator Dougherty requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Coleman, Days, Green and Wheeler.

SA 7 was adopted by the following vote:

YEAS—Senators

Cauthorn	Champion	Clemens	Crowell
Dolan	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Taylor	Vogel—19	

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

Absent—Senators

Bartle

Stouffer—2

Absent with leave—Senators—

None

Vacancies—2

At the request of Senator Purgason, **SB 539**, with **SS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 74** and **SB 49**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 95**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 23** and **SB 51**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 232**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 319**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 697, regarding the One Hundredth Birthday of Mae Overton, St. Louis, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 539**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 539**, as amended, was again taken up.

Senator Ridgeway assumed the Chair.

Senator Green offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 539, Page 1, Section A, Line 11 of said page, by inserting after all of said line the following:

“103.003. As used in sections 103.003 to 103.175, the following terms mean:

(1) “Actuarial reserves”, the necessary funding required to pay all the medical expenses for services provided to members of the plan but for which the claims have not yet been received by the claims administrator;

(2) “Actuary”, a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) “Agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity or instrumentality;

(4) “Alternative delivery health care program”, a plan of covered benefits that pays medical expenses through an alternate mechanism rather than on a fee-for-service basis. This includes, but is not limited to, health maintenance organizations and preferred provider organizations, all of which shall include chiropractic physicians licensed under chapter 331, RSMo, in the provider networks or organizations;

(5) “Board”, the board of trustees of the Missouri consolidated health care plan;

(6) “Claims administrator”, an agency contracted to process medical claims submitted from providers or members of the plan and their dependents;

(7) “Coordination of benefits”, to work with another group-sponsored health care plan which also covers a member of the plan to ensure that both plans pay their appropriate amount of the health care expenses incurred by the member;

(8) “Covered benefits”, a schedule of covered services, including chiropractic services, which are payable under the plan;

(9) “Employee”, any person employed full time by the state or a participating member agency, or a person eligible for coverage by a state-sponsored retirement system or a retirement system sponsored by a participating member agency of the plan, **except for state senators and representatives**;

(10) “Evidence of good health”, medical information supplied by a potential member of the plan that is reviewed to determine the financial risk the person represents to the plan and the corresponding determination of whether or not he or she should be accepted into the plan;

(11) “Health care plan”, any group medical benefit plan providing coverage on an expense-incurred basis, any HMO, any group service or indemnity contract issued by a health plan of any type or description;

(12) “Medical benefits coverages” shall include services provided by chiropractic physicians as well as physicians licensed under chapter 334, RSMo;

(13) “Medical expenses”, costs for services performed by a provider and covered under the plan;

(14) “Missouri consolidated health care plan benefit fund account”, the benefit trust fund account containing all payroll deductions, payments, and income from all sources for the plan;

(15) “Officer”, an elected official of the state of Missouri;

(16) “Participating member agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity that has elected to join the plan and has been accepted by the board;

(17) “Plan year”, a twelve-month period designated by the board which is used to calculate the annual rate categories and the appropriate coverage;

(18) “Provider”, a physician, hospital, pharmacist, psychologist, chiropractic physician or other licensed practitioner who or which provides health care services within the respective scope of practice of such practitioner pursuant to state law and regulation;

(19) “Retiree”, a person who is not an employee and is receiving or is entitled to receive an annuity benefit from a state-sponsored retirement system or a retirement system of a participating member agency of the plan or becomes eligible for retirement benefits because of service with a participating member agency.”; and

Further amend said bill, page 101, section B, line 3 of said page, by inserting after all of said line the following:

“Section C. The repeal and reenactment of section 103.003 shall become effective January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Kennedy and Wilson.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Callahan	Coleman	Days	Graham
Green	Kennedy	Wilson—7	

NAYS—Senators

Bartle	Bray	Cauthorn	Champion
Clemens	Crowell	Dolan	Dougherty
Engler	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler—25			

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

Senator Green offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 539, Page 53, Section 208.225, Line 16, by inserting after all of said line the following:

“208.230. 1. Any applicant for health care benefits under the provisions of this chapter, and any person requesting uncompensated care in a hospital shall identify the employer or employers of the proposed beneficiary of the health care benefits in the application or to the hospital. In the event the proposed public health program beneficiary is not employed, the applicant shall identify the employer or employers of any adult who is responsible for providing all or some of the proposed beneficiary's support. Any hospital providing uncompensated care shall forward the name of the employer or employers to the department of social services.

2. On or before January 1 of each year, the department of social services shall transmit to the general assembly a report identifying all employers identified pursuant to the requirements in subsection 1 of this section who employ twenty-five or more public health program beneficiaries for a period one year prior to the report and in accordance with the confidentiality requirements of section 630.140, RSMo. In determining whether the twenty-five employee threshold is met, the department of social services shall include all public health program beneficiaries employed by the employer and its subsidiaries at all locations within the state. The report shall include each employer's name, and as appropriate, the names of its subsidiaries that employ public

health program beneficiaries, location, the total number of its employees and dependents who are enrolled in each state-funded health care program, and the total cost to the state of providing public health care benefits for the employees and enrolled dependents of each named employer. In addition to filing the report with the general assembly, the department shall make the report available to the public through its Internet website.

3. Any member of the public has a right to request and receive a copy of the report published pursuant to subsection 2 of this section.

4. As used in this section, the term "proposed beneficiary" means any individual who files an application for benefits or hospital care for himself or herself; or any other individual on whose behalf an application is filed, including but not limited to children or other dependents of the applicant or other individual for whom the application is filed.”; and

Further amend the title and enacting clause accordingly.
Senator Green moved that the above amendment be adopted, which motion failed.
Senator Wilson offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 539, Page 28, Section 208.152, Line 9 of said page, by striking the opening bracket “[”]; and further amend line 12 of said page, by striking the closing bracket “]”; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Wilson moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Dougherty and Green.

SA 10 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Crowell—1

Absent with leave—Senators—
None

Vacancies—2

Senator Griesheimer assumed the Chair.

Senator Dougherty offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Bill No. 539, Page 67, Section 453.073, Lines 5-8 of said page, by striking all of said lines.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Coleman and Green.

SA 11 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Koster—1

Absent with leave—Senators—
None

Vacancies—2

Senator Days offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Bill No. 539, Page 37, Section 208.152, Line 25 of said page, by striking the opening bracket “[”]; and further amend line 27 of said page, by striking the closing bracket “]”; and further amend lines 27-28 by striking all of the underlined language; and

Further amend said bill and section, page 38, line 1 of said page, by striking all of the underlined language.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Coleman, Green and Wilson.

SA 12 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Green	Kennedy

Wheeler Wilson—10

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Graham—1

Absent with leave—Senators—
None

Vacancies—2

Senator Gibbons offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Bill No. 539, Page 11, Section 208.014, Line 22 of said page, by inserting immediately after “et seq.)” the following: “, **which shall sunset on June 30, 2008**”.

Senator Gibbons moved that the above amendment be adopted.

Senator Dougherty requested a roll call vote be taken on the adoption of **SA 13** and was joined in his request by Senators Bray, Days, Gibbons and Wilson.

SA 13 was adopted by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

Senator Bray offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Bill No. 539, Page 38, Section 208.152, Line 21 of said page, by striking the following: “If it is”; and further amend lines 22-28 of said page, by striking all of said lines; and

Further amend said bill and section, page 39, lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following: “**This subsection shall not apply to other qualified children, pregnant women, or blind persons.**”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Purgason, **SB 539**, with **SS** and **SA 14** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans’ Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans’ Affairs and Elections, to which was referred **SB 521**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and Elections, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 488**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 396**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 390**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 354**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 40**, entitled:

An Act to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to industrial

development corporations, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 56**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to multiple sclerosis.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 127**, entitled:

An Act to repeal sections 321.190 and 321.603, RSMo, and to enact in lieu thereof two new sections relating to fire protection district board attendance fees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 47**, entitled:

An Act to repeal section 182.640, RSMo, and to enact in lieu thereof one new section relating to consolidated public library districts, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 163, 213 and 216**, entitled:

An Act to repeal sections 42.170, 42.175, 42.200, and 42.202, RSMo, and to enact in lieu thereof four new sections relating to veterans' medallion programs, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 592**, entitled:

An Act to repeal section 313.813, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boats.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 269**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and action for damages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 361**, entitled:

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the surcharge for DNA profiling analysis.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 3**.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 698, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Forrest Rutherford, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 699, regarding Doris Wightman, Norborne, which was adopted.

Senator Wilson offered Senate Resolution No. 700, regarding the death of Leroy William Brown, Jr., which was adopted.

Senator Wilson offered Senate Resolution No. 701, regarding Keith Cutler, Kansas City, which was adopted.

On motion of Senator Shields, the Senate recessed until 6:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Purgason moved that **SB 539**, with **SS** and **SA 14** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 14 was again taken up.

Senator Mayer assumed the Chair.

Senator Nodler assumed the Chair.

Senator Bray moved that **SA 14** be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Coleman, Kennedy and Days.

SA 14 failed of adoption by the following vote:

YEAS—Senators

Bray		Callahan	Coleman	Days
Dougherty	Engler	Graham	Green	
Kennedy	Wheeler	Wilson—11		

NAYS—Senators

Bartle		Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer	
Gross		Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott	
Shields	Stouffer	Taylor	Vogel—20	

Absent—Senator Klindt

—1

Absent with leave—

Senators—None

Vacancies—2

Senator Callahan offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 539, Page 19, Section 208.151, Line 21 of said page, by striking the opening bracket “[”]; and

Further amend said bill and section, page 21, line 6 of said page, by striking the closing bracket “]”; and

Further renumber the remaining subdivisions accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Bill No. 539, Page 21, Section 208.152, Lines 6-28 of said page, by striking said lines; and

Further amend said bill and section, Page 22, Lines 1 to 19 of said page, by striking said lines and inserting in lieu there of the following:

“(25)] (21) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973; except that, on or after July 1, 2002, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to eighty percent of the federal poverty level and, as of July 1, 2003, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to ninety percent of the federal poverty level and, as of July 1, 2004, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;”.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Wheeler and Wilson.

SA 16 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

Senator Graham offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Bill No. 539, Page 21, Section 208.151, Lines 6-28 of said page, by striking said lines; and

Further amend said bill and section, Page 22, Lines 1 to 19 of said page, by striking said lines and inserting in lieu there of the following:

“(25)] **(21)** All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973; except that, on or after July 1, 2002, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to eighty percent of the federal poverty level and, as of July 1, 2003, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to ninety percent of the federal poverty level and, as of July 1, 2004, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;”.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Gibbons, Green and Kennedy.

SA 17 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

Senator Wilson offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Bill No. 539, Pages 88-89, Section 208.162, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Bray requested a roll call vote be taken and was joined in her request by Senators Dolan, Engler, Gibbons and Griesheimer.

SA 18 failed of adoption by the following vote:

YEAS—Senators				
Bray	Callahan	Coleman	Days	
Dougherty	Engler	Graham	Kennedy	
Wheeler	Wilson—10			
NAYS—Senators				
Bartle	Cauthorn	Champion	Clemens	
Crowell	Dolan	Gibbons	Griesheimer	
Gross		Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway	
Scott	Shields	Stouffer	Taylor	
Vogel—21				

Absent—Senator Green
—1

Absent with leave—
Senators—None

Vacancies—2

Senator Bray offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Bill No. 539, Pages 86-88, Section 208.146, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Dougherty requested a roll call vote be taken on the adoption of **SA 19** and was joined in his request by Senators Bray, Days, Kennedy and Wheeler.

SA 19 failed of adoption by the following vote:

YEAS—Senators

Bray		Callahan	Coleman	Days
Dougherty	Engler	Graham	Green	
Kennedy	Mayer	Wheeler	Wilson—12	

NAYS—Senators

Bartle		Cauthorn	Champion	Crowell
Dolan		Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Nodler	
Purgason	Ridgeway	Scott	Shields	
Stouffer	Taylor	Vogel—19		

Absent—Senator
Clemens—1

Absent with leave—
Senators—None

Vacancies—2

Senator Days offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Bill No. 539, Page 29, Section 208.152, Line 9 of said page, by striking the opening bracket “[”]; and further amend line 11 of said page, by striking the closing bracket “]”; and further amend said section by renumber the remaining subdivisions accordingly.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Coleman, Dougherty and Kennedy.

President Pro Tem Gibbons assumed the Chair.

SA 20 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—2

Senator Nodler assumed the Chair.

President Pro Tem Gibbons assumed the Chair.

Senator Purgason moved that **SS** for **SB 539**, as amended, be adopted, which motion prevailed.

Senator Purgason moved that **SS** for **SB 539**, as amended, be declared perfected and ordered printed.

Senator Dougherty requested a roll call vote be taken on the perfection motion and was joined in his request by Senators Bray, Callahan, Coleman and Kennedy.

SS for **SB 539**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens	
Crowell	Dolan	Gibbons	Griesheimer	
Gross		Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott	

Shields	Stouffer	Taylor	Vogel—20
	NAYS—Senators		
Bray	Callahan	Coleman	Days
Dougherty	Engler	Graham	Green
Kennedy	Mayer	Wheeler	Wilson—12
	Absent—Senators— None		
	Absent with leave— Senators—None		
	Vacancies—2		

CONFERENCE COMMITTEE REPORTS

Senator Loudon, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **SBs 1 and 130**, with **HCS**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 and 130

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, with House Amendment Nos. 1, 2, 3, House Amendment No. 4 as amended, House Amendments Nos. 5, 8, 9, 10, 11, 12, and House Amendment No. 13 as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Loudon	/s/ Steve Hunter
/s/ Michael R. Gibbons	/s/ Carl Bearden
/s/ Dan Clemens	/s/ Shannon Cooper
Victor Callahan	Michael Vogt
Timothy Green	Jenee Lowe

Senator Loudon moved that the above conference committee report be adopted.
At the request of Senator Loudon, the above motion was withdrawn.

On motion of Senator Shields, the Senate recessed until 11:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.
President Pro Tem Gibbons assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Loudon moved that the conference committee report on **HCS** for **SS** for **SCS** for **SBs 1** and **130**, as amended, be taken up, which motion prevailed.

Senator Loudon moved that the above conference committee report be adopted.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The conference committee report on **HCS** for **SS** for **SCS** for **SBs 1** and **130** was again taken up.
Senator Koster assumed the Chair.

Senator Loudon moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Klindt	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Gross

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Loudon, **CCS** for **HCS** for **SS** for **SCS** for **SBs 1 and 130**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1 & 130

An Act to repeal sections 286.020, 287.020, 287.040, 287.063, 287.067, 287.110, 287.120, 287.127, 287.128, 287.129, 287.140, 287.143, 287.150, 287.170, 287.190, 287.197, 287.203, 287.215, 287.380, 287.390, 287.420, 287.510, 287.550, 287.610, 287.615, 287.616, 287.642, 287.710, 287.715, 287.800, 287.812, 287.865, 287.894, 287.957, and 287.972, RSMo, and to enact in lieu thereof forty new sections relating to workers' compensation law, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Koster	Wheeler	Wilson—11	

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Robert Sigrist, Bibi Miller, Alice Christgen, Billie Sharp and Jerry Milbourne, St. Joseph; and Mindy Walker, Maryville.

Senator Engler introduced to the Senate, teachers, parents and students from St. Paul Lutheran School, Farmington.

Senator Loudon introduced to the Senate, Chris Hartrich, Pat Aydt, Glenn Koenen, Nancy Gray, Jim Boyd and former State Senator Mike Reid, members of the West St. Louis County Chamber of Commerce.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Timothy J. McCann, M.D., St. Louis.

Senator Vogel introduced to the Senate, Paige Harris Jacoby and William Crawford Jacoby; and Paige and William were made honorary pages.

Senator Bartle introduced to the Senate, members of the Blue Springs Chamber of Commerce.

Senator Bray introduced to the Senate, Tom Noble, Chris Curtis and forty-five fourth grade students from Briarcrest Elementary School, St. Louis.

Senator Cauthorn introduced to the Senate, Randy and Ruth Hager and their children, Nick, Alex and Ryan, Chillicothe.

Senator Champion introduced to the Senate, Professor Troy Smith and fifteen students from Drury University, Springfield.

Senator Dougherty introduced to the Senate, Dr. Keith Beauchamp and his wife, Kathy, Macon; and Dr. John Follis, Moberly.

Senator Taylor introduced to the Senate, Kristi and Wyatt Stephens and Karen Stewart, Stone County.

Senator Ridgeway introduced to the Senate, her husband, Dr. Richard D. Ridgeway, Smithville.

Senator Dolan introduced to the Senate, Jerry Callahan, Elsberry.

Senator Kennedy introduced to the Senate, Tom Hunt, St. Louis.

Senator Engler introduced to the Senate, Ron Hopkins, Ironton; Vason La France, Farmington; and students, sponsors and parents from Bismark School.

Senator Scott introduced to the Senate, Dr. Jim Spring and his wife, Paula, Warsaw.

Senator Mayer introduced to the Senate, Mrs. Wolverton, Ms. Smith and twenty fourth grade students from Gideon School; and Louis Beck, Zach Ingram, Chelsey Ogden, Sierra Irons and Lisa Chappell were made honorary pages.

Senator Dougherty introduced to the Senate, Alderman Tom Bauer, St. Louis.

Senator Kennedy introduced to the Senate, Tom Diehl and his son, Adam Diehl, Oakville; and

Adam was made an honorary page.

Senator Bray introduced to the Senate, Jan Caimi, Beckie Faintich, Carol Perrin, Jim Boland, Mark Williams and seventy-five fourth grade students from Spoede Elementary School, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood
HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al

HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)
HCS for HB 174
HB 40-Tilley
HCS for HB 56
HB 127-Bivins
HCS for HB 47
HCS for HBs 163, 213 & 216
HB 592-Cooper (120)
HB 269-Bruns
HB 361-Lipke

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)
SS for SCS for SB 32-Bartle
(In Fiscal Oversight)

SB 187-Cauthorn and
Clemens

SENATE BILLS FOR PERFECTION

SB 348-Clemens

SBs 74 & 49-Champion, with SCS
SB 95-Coleman

SB 12-Cauthorn and Klindt

SBs 23 & 51-Griesheimer and Kennedy,
with SCS
SB 232-Loudon, et al
SB 319-Koster, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 168-Dolan, et al, with SCS

SB 185-Loudon, et al, with SA 1 (pending)
SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)
SB 269-Shields and Callahan, with SCS
SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn
SB 265-Taylor
SB 288-Klindt
SB 289-Engler, with SCS
SB 307-Purgason

SB 364-Purgason
SB 133-Loudon and Gross, with SCS
SB 308-Purgason
SB 28-Dolan, with SCS

Reported 3/8

SB 423-Bartle, with SCS
SB 279-Taylor
SB 422-Bartle
SB 68-Shields, with SCS
SB 298-Coleman
SB 299-Coleman

SB 306-Purgason
SB 155-Mayer, with SCS#2
SB 302-Coleman, with SCS
SB 501-Gibbons, with SCS
SB 182-Scott, with SCS
SB 261-Loudon

Reported 3/14

SB 374-Loudon and Bray, with SCS
SB 323-Bartle
SB 347-Clemens and Taylor
SB 518-Kennedy and Graham
SBs 75 & 353-Champion and
Wheeler, with SCS
SB 170-Gross, with SCS
SB 401-Kennedy
SB 480-Shields
SB 496-Mayer, with SCS
SB 84-Bray, with SCS
SB 394-Nodler
SB 476-Scott
SB 479-Scott
SB 358-Taylor

SB 526-Scott
SB 516-Griesheimer
SB 468-Griesheimer, with SCS
SB 507-Graham
SB 502-Gibbons, with SCS
SB 490-Koster
SB 450-Dolan, with SCS
SB 453-Loudon
SB 431-Callahan
SB 392-Coleman, with SCS
SB 380-Wheeler
SB 372-Engler, et al, with SCS
SB 361-Stouffer
SB 343-Bartle, et al

Reported 3/15

SB 464-Vogel
SB 295-Dolan
SB 310-Champion, with SCS
SB 355-Griesheimer, et al, with SCS
SB 216-Champion
SB 378-Coleman
SB 534-Bartle
SB 320-Koster
SB 404-Koster
SB 405-Koster

SB 418-Mayer
SB 159-Cauthorn
SBs 420 & 344-Mayer, with SCS
SB 407-Mayer, with SCS
SB 521-Crowell
SB 357-Shields
SB 488-Engler
SB 396-Crowell
SB 390-Taylor, with SCS
SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SBs 1 & 130-Loudon,

with HCS, as amended
(Senate adopted CCR
and passed CCS)

HCS for HB 393, with SS for SCS, as
amended (Scott)

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

SCR 11-Green

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Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 16, 2005

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

Reverend Carl Gauck offered the following prayer:

“No one shall be able to stand against you all the days of your life.” (Joshua 1:5)

We thank You, Lord, for Your word reminds us that we never are alone; and that we are not forsaken, for You are with us. We thank You, God, for Your constant presence, Your mercy and grace that never fails us. And when it is hard for us to be ourselves You persist to let us know You care and are there for us; so we give You thanks for being with us this day and with those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 702, regarding the Reverend Arzie Ezell, Piedmont, which was adopted.

Senator Bartle offered Senate Resolution No. 703, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carl Cage, which was adopted.

Senator Loudon offered Senate Resolution 704, regarding Debbie Pyzyk, St. Louis, which was adopted.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate conferees be allowed to exceed the differences on **SS** for **SCS** for **HCS** for **HB 393**, as amended, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2005.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 14An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2005.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 14** be adopted.

Senator Crowell assumed the Chair.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 10, Section 14.225, Line 5, by adding after the end of said section the following:

“To the office of administration for purchase of Missouri made lazyboy recliners for the Ron Kirchoff lounge since the majority floor leader continues late night and all night sessions. \$1 E”.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 1** was withdrawn.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 1, Section 14.005, Line 5, by deleting the number “3,006,542” and inserting in lieu thereof the number “1,006,542” and further amend said bill, Page 1, Section 14.015, Line 3 by deleting the number “5,552,794” and inserting in lieu thereof the number “4,552,794”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HCS** for **HB 14**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 14**, as amended, was read the 3rd time and passed by the

following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Gibbons—1

Absent with leave—Senator
Graham—1

Vacancies—2

The President declared the bill passed.
On motion of Senator Gross, title to the bill was agreed to.
Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:
Jeanne M. Daffron, 616 North 25th Street, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Life Sciences Research Committee, for a term ending April 8, 2006 and until her successor is duly appointed and qualified; vice, Thomas L. Slaight, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri

Jefferson City

65101

March 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffrey L. Fox, 26 Brentmoor Park, Saint Louis, Saint Louis County, Missouri 63105, as a member of the Life Sciences Research Committee, for a term ending April 8, 2008 and until his successor is duly appointed and qualified; vice, Joan Kelly Horn, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Judith G. Haggard, 300 West Washington, Kennett, Dunklin County, Missouri 63857, as a member of the Life Sciences Research Committee, for a term ending April 8, 2008 and until her successor is duly appointed and qualified; vice, William J Longmore, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard D. Johnson, 5330 Ward Parkway, Kansas City, Jackson County, Missouri 64112, as a member of the Life Sciences Research Committee, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, Robert Allan Morantz, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin C. Sprouse, 6080 Bass Lane, Columbia, Boone County, Missouri 65201, as a member of the Life Sciences Research Committee, for a term ending April 8, 2006 and until his successor is duly appointed and qualified; vice, John Thornton Park, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 10, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edward S. Stevens, 236 West 54th, Kansas City, Jackson County, Missouri 64112, as a member of the Life Sciences Research Committee, for a term ending April 8, 2008 and until his successor is duly appointed and qualified; vice, Diane Janice Seif, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SBs 221, 250** and **256**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SCS for **SBs 221, 250** and **256**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 221, 250 and 256 An Act to repeal sections 210.104, 210.107, 302.510, 302.530, 304.015, 304.016, 304.281, 304.351, 307.178, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof twelve new sections relating to the operation of motor vehicles, with penalty provisions.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS** for **SBs 221, 250** and **256** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senator Klindt—1

Absent—Senator Gross—1

Absent with leave—Senator
Graham—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 187, introduced by Senators Cauthorn and Clemens, entitled:

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, 640.755, and 644.016, RSMo, and to enact in lieu thereof ten new sections relating to concentrated animal feeding operations.

Was taken up by Senator Cauthorn.

Senator Cauthorn moved that **SB 187** be read the 3rd time and finally passed.

At the request of Senator Cauthorn, **SB 187** was placed on the Informal Calendar.

SB 367, introduced by Senator Cauthorn, entitled:

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to state employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 367** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Graham—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 265, introduced by Senator Taylor, entitled:

An Act to repeal section 247.085, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Taylor, **SB 265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Ridgeway	Wheeler—2
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Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 288, introduced by Senator Klindt, entitled:

An Act to authorize the conveyance of property owned by the state in Nodaway County to the Delta Nu Teke Association.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 288** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dolan	Wheeler—2
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Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Klindt, title to the bill was agreed to.
Senator Klindt moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 289, with **SCS**, introduced by Senator Engler, entitled:
An Act to repeal section 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand juries.
Was called from the Consent Calendar and taken up.
SCS for **SB 289**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 289

An Act to repeal sections 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand juries.
Was taken up.
Senator Engler moved that **SCS** for **SB 289** be adopted, which motion prevailed.
On motion of Senator Engler, **SCS** for **SB 289** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Engler	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28
	NAYS—Senators— None		
	Absent—Senators		
Dolan	Dougherty	Gibbons	Klindt—4
	Absent with leave— Senators—None		
	Vacancies—2		

The President declared the bill passed.
On motion of Senator Engler, title to the bill was agreed to.
Senator Engler moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 307, introduced by Senator Purgason, entitled:
An Act to repeal section 105.454, RSMo, and to enact in lieu thereof one new section relating to city boards.
Was called from the Consent Calendar and taken up.
On motion of Senator Purgason, **SB 307** was read the 3rd time and passed by the following vote:

	YEAS—Senators		
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

	NAYS—Senators—None		
	Absent—Senators		
Dougherty	Green	Klindt—3	
	Absent with leave—Senators—None		

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 364, introduced by Senator Purgason, entitled:

An Act to authorize the board of governors of Southwest Missouri State University to convey property in Howell County, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 364** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 133, with **SCS**, introduced by Senators Loudon and Gross, entitled:

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to cafeteria plans for state employees.

Was called from the Consent Calendar and taken up by Senator Loudon.

SCS for **SB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 133

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to cafeteria plans for state employees.

Was taken up.

Senator Loudon moved that **SCS** for **SB 133** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 133** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Green

Klindt—2

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Conferees on **SS** for **SCS** for **HCS** for **HB 393** as amended are allowed to exceed the differences.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 705, regarding the One Hundredth Birthday of Ester Ellen McVay, which was adopted.

Senator Purgason offered Senate Resolution No. 706, regarding the One Hundredth Birthday of Alma O'Dell, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 707, regarding the Missouri Federation of Square 'N Round Dance Clubs, Inc., which was adopted.

Senator Taylor offered Senate Resolution No. 708, regarding Bradleyville Elementary School, which was adopted.

Senator Purgason offered Senate Resolution No. 709, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Hancock, Bucyrus, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 393**, as amended and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 393**.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 393**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 393

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, with Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4 as amended, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5 as amended, Senate Amendments Nos. 6, 7, 9, and 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, as amended;

2. That the House recede from its position on House Committee Substitute for House Bill No. 393;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott

/s/ Matt Bartle

/s/ Charlie Shields

Victor Callahan

/s/ Charles Wheeler

FOR THE HOUSE:

/s/ Richard Byrd 94

/s/ Bryan T. Pratt

/s/ Ronald F. Richard

John Burnett

Rick Johnson

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—23	

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Griesheimer	Kennedy—8

Absent—Senator Green

Absent with leave—
Senators—None

Vacancies—2

On motion of Senator Scott, **CCS** for **SS** for **SCS** for **HCS** for **HB 393**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 393

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 510.340, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225, 538.230, and 538.300, RSMo, and to enact in lieu thereof twenty-three new sections relating to claims for damages and the payment thereof.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler—23	

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Kennedy	Wilson—8

Absent—Senator Green
—1

Absent with leave—
Senators—None

Vacancies—2

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 308, introduced by Senator Purgason, entitled:

An Act to repeal sections 355.716 and 355.871, RSMo, and to enact in lieu thereof two new sections relating to not-for-profit corporations.

Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 308** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—2

The President Pro Tem declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 539**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 539** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SB 28, with **SCS**, introduced by Senator Dolan, entitled:

An Act to repeal section 191.905, RSMo, and to enact in lieu thereof one new section relating to multiple sclerosis.

Was called from the Consent Calendar and taken up.

SCS for **SB 28**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 28

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to rebates of copayments to patients with chronic conditions.

Was taken up.

Senator Ridgeway assumed the Chair.

Senator Dolan moved that **SCS** for **SB 28** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 28** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 423, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system.

Was called from the Consent Calendar and taken up.

SCS for **SB 423**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 423

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new

sections relating to a DNA profiling system.

Was taken up.

Senator Bartle moved that **SCS** for **SB 423** be adopted, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Bartle, **SCS** for **SB 423** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 279, introduced by Senator Taylor, entitled:

An Act to repeal sections 400.3-103, 400.3-104, 400.3-416, 400.3-417, 400.4-207, and 400.4-208, RSMo, and to enact in lieu thereof six new sections relating to demand drafts under the uniform commercial code.

Was called from the Consent Calendar and taken up.

On motion of Senator Taylor, **SB 279** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross

Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senators

Dougherty	Klindt	Scott—3
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Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.
On motion of Senator Taylor, title to the bill was agreed to.
Senator Taylor moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

SB 422, introduced by Senator Bartle, entitled:

An Act to repeal section 610.123, RSMo, section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840 & 843, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 422** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Bartle, title to the bill was agreed to.
Senator Bartle moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 298, introduced by Senator Coleman, entitled:
An Act to repeal sections 168.211 and 168.261, RSMo, and to enact in lieu thereof two new sections relating to the powers of the St. Louis public school district superintendent.
Was called from the Consent Calendar and taken up.
Senator Ridgeway assumed the Chair.
Senator Coleman requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.
Senator Coleman offered **SA 1**, which was read:
SENATE AMENDMENT NO. 1
Amend Senate Bill No. 298, Page 1, Section 168.211, Line 2, by deleting from said line “[four] **five**” and inserting in lieu thereof the following “four”.
Senator Coleman moved that the above amendment be adopted, which motion prevailed.
On motion of Senator Coleman, **SB 298** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senators—
None

Absent—Senators

Absent with leave—

Senators—None

Vacancies—2

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 299, introduced by Senator Coleman, entitled:

An Act to repeal section 168.221, RSMo, and to enact in lieu thereof one new section relating to metropolitan school district principals.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 299** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 155, with **SCS No. 2**, introduced by Senator Mayer, entitled:

An Act to repeal section 210.152, RSMo, and to enact in lieu thereof one new section relating to reporting of child abuse and neglect.

Was called from the Consent Calendar and taken up.

SCS No. 2 for **SB 155**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE BILL NO. 155

An Act to repeal section 210.152, RSMo, and to enact in lieu thereof one new section relating to reporting of child abuse and neglect.

Was taken up.

Senator Mayer moved that **SCS No. 2** for **SB 155** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS No. 2** for **SB 155** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty	Klindt—2
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Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

SB 306, introduced by Senator Purgason, entitled:

An Act to repeal section 105.458, RSMo, and to enact in lieu thereof one new section relating to school board members.

Was called from the Consent Calendar and taken up.

On motion of Senator Purgason, **SB 306** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dolan	Klindt—2
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Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.
On motion of Senator Purgason, title to the bill was agreed to.
Senator Purgason moved that the vote by which the bill passed be reconsidered.
Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 302, with **SCS**, introduced by Senator Coleman, entitled:

An Act to repeal section 162.601, RSMo, and to enact in lieu thereof one new section relating to school board elections.

Was called from the Consent Calendar and taken up.

SCS for **SB 302**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 302

An Act to repeal section 162.601, RSMo, and to enact in lieu thereof one new section relating to school board elections.

Was taken up.

Senator Coleman moved that **SCS** for **SB 302** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 302** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon

Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 501, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to amend chapter 630, RSMo, by adding thereto four new sections relating to the office of comprehensive child mental health.

Was called from the Consent Calendar and taken up.

SCS for **SB 501**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 501

An Act to amend chapter 630, RSMo, by adding thereto two new sections relating to the office of comprehensive child mental health.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 501** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 501** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

SB 182, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 323.075, RSMo, and to enact in lieu thereof two new sections relating to liquefied petroleum gases, with an effective date.

Was called from the Consent Calendar and taken up.

SCS for **SB 182**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 182

An Act to repeal sections 323.020 and 323.060, RSMo, and to enact in lieu thereof three new sections relating to liquefied petroleum gases, with an effective date for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **SB 182** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dolan

Green—2

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 261, introduced by Senator Loudon, entitled:

An Act to repeal section 379.943, RSMo, and to enact in lieu thereof one new section relating to health insurance, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senators

Dolan	Dougherty	Green—3
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Absent with leave—Senators—
None

Senator Ridgeway assumed the Chair.

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Douglas A. Albrecht, Republican, 550 Barnes Road, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Robert Blitz, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William K. Blades, Republican, 23841 Route MM, Shelbina, Monroe County, Missouri 63468, as a member of the State Fair Commission, for a term ending December 29, 2008, and until his successor is duly appointed and qualified; vice, William Blades, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donna Beck Smith, 416 Twin Creek Road, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Life Sciences Research Committee, for a term ending April 8, 2006 and until her successor is duly appointed and qualified; vice, John M. Houghton, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SBs 1** and **130**, as amended and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SBs 1** and **130**.

Bill ordered enrolled.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 15, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Terrorism, Bioterrorism and Homeland Security

Dear Terry:

Pursuant to Section 21.800 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Joint Committee on Terrorism, Bioterrorism and Homeland Security:

Senator Chris Koster

Senator Rita Days

I am also reappointing Senator Chuck Gross and Senator Harry Kennedy to the Joint Committee on Terrorism, Bioterrorism and Homeland Security.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

March 16, 2005

The Honorable Michael Gibbons

Missouri State Senate

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Gibbons:

I respectfully request to no longer serve as Chairman or as a member of the Joint Committee on Terrorism, Bioterrorism and Homeland Security.

Thank you for your attention to this matter.

Sincerely,

/s/ John

John E. Griesheimer

INTRODUCTIONS OF GUESTS

Senator Purgason introduced to the Senate, Leanna Baumer, Hartville; and Jena Thompson, Phillipsburg.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Stephen Benz, M.D., and Michael Ladevich, St. Louis.

Senator Wilson introduced to the Senate, Vice Chancellor Pat Long and Mary Larson Diaz, UMKC, Kansas City.

Senator Mayer introduced to the Senate, Jeffrey Bush, Dexter.

Senator Cauthorn introduced to the Senate, Karen Heitmeyer, Eleanor Kloeppel, Mary Sobba and Jayne Wehmeyer, Mexico; Nancy Flood, Unionville; and Reverend Robert Axton and his wife, Sandy, Palmyra.

Senator Dougherty introduced to the Senate, Tim Boyle, St. Louis.

Senator Purgason introduced to the Senate, Cathy Boys, Cheryl Caldwell, Ronald Gould, Eric Judd, Naomi Mattingly, Brenda Smith, Mark Stephens, Jim Stewart, Freddie Wells, Joanne Wix and Randy Saner, West Plains; Brenda Malkowshi and Charlie Rymer, Willow Springs; Steve Meier, Mountain View; Tammy Lair, Caulfield; and Brenda Bell, Birch Tree.

Senator Cauthorn introduced to the Senate, members of the 4-H State Council.

Senator Purgason introduced to the Senate, Ken Foresythe and Ted Probert, Hartville; and Burt Stanley, Mountain Grove.

Senator Purgason introduced to the Senate, Trudy Britton, Rhonda Simpson, Regina Stevens and forty-five eighth grade students from Thayer R-2 Junior High School.

Senator Koster introduced to the Senate, Jackie Qualls and fifty-nine fourth grade students from Whiteman Elementary, Whiteman AFB.

Senator Loudon introduced to the Senate, Jill Stahl, Debbie Casper, Katie Goss, parents and seventy-one fourth grade students from Westridge Elementary School, Ballwin.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Thursday, March 17, 2005.

SENATE CALENDAR

FORTY-FIRST DAY-THURSDAY, MARCH 17, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood
HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al

HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)
HCS for HB 174
HB 40-Tilley
HCS for HB 56
HB 127-Bivins
HCS for HB 47
HCS for HBs 163, 213 & 216
HB 592-Cooper (120)
HB 269-Bruns
HB 361-Lipke

THIRD READING OF SENATE BILLS

SS for SCS for SB 32-Bartle (In
Fiscal Oversight)

SS for SB 539-Purgason, et al (In
Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 348-Clemens

SBs 74 & 49-Champion, with SCS
SB 95-Coleman
SB 12-Cauthorn and Klindt

SBs 23 & 51-Griesheimer and Kennedy,
with SCS
SB 232-Loudon, et al
SB 319-Koster, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 187-Cauthorn and Clemens

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 168-Dolan, et al, with SCS

SB 185-Loudon, et al, with SA 1
(pending)
SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)
SB 269-Shields and Callahan, with SCS
SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/8

SB 68-Shields, with SCS

Reported 3/14

SB 374-Loudon and Bray, with SCS
SB 323-Bartle
SB 347-Clemens and Taylor
SB 518-Kennedy and Graham
SBs 75 & 353-Champion and

Wheeler, with SCS

SB 170-Gross, with SCS
SB 401-Kennedy
SB 480-Shields
SB 496-Mayer, with SCS
SB 84-Bray, with SCS
SB 394-Nodler
SB 476-Scott
SB 479-Scott
SB 358-Taylor

SB 526-Scott
SB 516-Griesheimer
SB 468-Griesheimer, with SCS
SB 507-Graham
SB 502-Gibbons, with SCS
SB 490-Koster
SB 450-Dolan, with SCS
SB 453-Loudon
SB 431-Callahan
SB 392-Coleman, with SCS
SB 380-Wheeler
SB 372-Engler, et al, with SCS
SB 361-Stouffer
SB 343-Bartle, et al

Reported 3/15

SB 464-Vogel
SB 295-Dolan
SB 310-Champion, with SCS
SB 355-Griesheimer, et al, with SCS
SB 216-Champion
SB 378-Coleman
SB 534-Bartle
SB 320-Koster
SB 404-Koster
SB 405-Koster

SB 418-Mayer
SB 159-Cauthorn
SBs 420 & 344-Mayer, with SCS
SB 407-Mayer, with SCS
SB 521-Crowell
SB 357-Shields
SB 488-Engler
SB 396-Crowell
SB 390-Taylor, with SCS
SB 354-Griesheimer, with SCS

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

SCR 11-Green

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—THURSDAY, MARCH 17, 2005

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence, for out of it are the issues of life.” (Proverbs 4:23)

Dear God, we acknowledge that the heart is seen by us as the seat of human emotion and it does us well to search it thoroughly to make sure all is in order for we know what this coming week means for many Americans and to us and it’s time to celebrate Your victory over death. So we complete our work here and prepare to spend precious time with our families and with You and enjoy the gift of new life You offer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

Absent with leave—
Senator Bray—1

Vacancies—2

The Lieutenant Governor
was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 710, regarding Nixa Junior High School, which was adopted.

Senator Engler offered Senate Resolution No. 711, regarding Richard Ackfeld, De Soto, which was adopted.

Senator Cauthorn offered Senate Resolution No. 712, regarding Cheryl Clark, which was adopted.

Senator Cauthorn offered Senate Resolution No. 713, regarding the One Hundred Seventh Birthday of Mary Leonard, Vandalia, which was adopted.

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 714

WHEREAS, Southwest Missouri State University was founded on March 17, 1905, in Springfield, Missouri, as Missouri State Normal School, Fourth District; and

WHEREAS, Southwest Missouri State University has “Dared to Excel” for the past one hundred years; and

WHEREAS, the Southwest Missouri State University System, including its campuses in West Plains and Mountain Grove, is celebrating its Centennial year from July 1, 2004, through June 30, 2005; and

WHEREAS, during its one hundred years, the institution has successfully operated under four names, including Missouri State Normal School, Fourth District; Southwest Missouri State Teachers College; Southwest Missouri State College; and Southwest Missouri State University; and

WHEREAS, Southwest Missouri State University has “opened the door of opportunity” for countless students for the past century; and

WHEREAS, Southwest Missouri State University and its faculty, staff, and students have distinguished themselves in academics, in research, in public service, and in co-curricular activities; and

WHEREAS, since 1995, Southwest Missouri State University has been further distinguished by its statewide public affairs mission; and

WHEREAS, Southwest Missouri State University has had a profound effect on Springfield, southwest Missouri, the entire state, the nation, and the world; and

WHEREAS, Southwest Missouri State University has contributed to the economic development of the region and the state, impacting the area economy by nearly \$2 million per day; and

WHEREAS, Southwest Missouri State University has improved the quality of life for citizens in Springfield, the region, and the state; and

WHEREAS, the future is bright for Southwest Missouri State University in the 21st Century:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to honor Southwest Missouri State University as it celebrates Southwest Missouri State University Founders Day on March 17, 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Southwest Missouri State University in Springfield.

CONCURRENT RESOLUTIONS

Senator Koster offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, the price of natural gas in the United States, already the highest in the industrial world, has again spiked and shows continued volatility; and

WHEREAS, the current price of natural gas is equivalent to paying \$16.00 for a gallon of milk, \$12.70 for a pound of ground beef, or \$9.21 for a gallon of gasoline; and

WHEREAS, abnormally high natural gas prices have been a \$111 billion unanticipated burden on the economy of the United States over the past 18 months; and

WHEREAS, the United States is over-reliant on natural gas in our national energy supply, creating a tremendous imbalance between natural gas supply and demand; and

WHEREAS, the manufacturers, farmers, small businesses, local governments, and retailers are struggling from skyrocketing natural gas prices. Further, thousands of jobs in these industries are threatened since many of these businesses use natural gas as a raw material as well as an energy supply; and

WHEREAS, the natural gas imbalance is not a free market problem. The high price of natural gas is created by governmental policies that increase demand for natural gas while impeding the development of a greater supply by discouraging more exploration and production. Since natural gas is domestically produced and very hard to import, the United States cannot correct the imbalance by the importation of natural gas; and

WHEREAS, the Missouri General Assembly supports a sound, rational domestic energy policy:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to enact legislation in the 109th Congress establishing a domestic energy policy

that will ensure an adequate supply of natural gas and the appropriate infrastructure. Such energy policy should develop a concerted national effort to promote greater energy efficiency and open promising new areas for environmentally responsible natural gas production; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United States, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional Delegation.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **CCS** for **HCS** for **SS** for **SCS** for **SBs 1** and **130**, as amended, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HCS** for **SS** for **SCS** for **SBs 1** and **130**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HCS** for **SS** for **SCS** for **SBs 1** and **130**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SB 539**; and **SS** for **SCS** for **SB 32**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 159**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 75** and **SB 353**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 295**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 343**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 468**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of

Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 476**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

At the request of Senator Bartle, **SS** for **SCS** for **SB 32** was placed on the Informal Calendar.

SS for **SB 539**, introduced by Senator Purgason, et al, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 539An Act to repeal sections 178.661, 178.662, 178.664, 178.666, 178.669, 178.671, 178.673, 208.010, 208.146, 208.151, 208.152, 208.162, 208.215, 208.225, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568, 208.571, 208.640, 453.072, and 453.073, RSMo, and to enact in lieu thereof thirty new sections relating to health care and social services, with penalty provisions and an emergency clause and a termination date for a certain section.

Was taken up by Senator Purgason.

President Kinder assumed the Chair.

On motion of Senator Purgason, **SS** for **SB 539** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—20

NAYS—Senators

Callahan	Coleman	Days	Dougherty
Engler	Graham	Green	Kennedy
Mayer	Wheeler	Wilson—11	

Absent—Senators—None

Absent with leave—Senator
Bray—1

Vacancies—2

The President declared the bill passed.

The emergency clause failed to receive a constitutional majority by the following vote:

YEAS—Senators

Bartle	Cauthorn	Clemens	Crowell
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Dolan	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

NAYS—Senators

Callahan	Coleman	Days	Dougherty
Graham	Green	Kennedy	Wheeler
Wilson—9			

Absent—Senator Champion—1

Absent with leave—Senator
Bray—1

Vacancies—2

On motion of Senator Purgason, title to the bill was agreed to.
 Senator Purgason moved that the vote by which the bill passed be reconsidered.
 Senator Shields moved that motion lay on the table, which motion prevailed.
 President Pro Tem Gibbons assumed the Chair.

OBJECTIONS

Senator Coleman offered the following constitutional objection:

March 17, 2005

Terry L. Spieler - Secretary of the Missouri Senate
 Missouri State Capitol, Room 325
 Jefferson City, Missouri 65101

RE: Constitutional Objections to be Included in the Senate Journal of this Date.

Dear Terry:

Pursuant to Senate Rule 68, please let this serve as my written objections to the signing of CCS/SS/SCS/HCS/HB 393. I ask that this letter be printed in the journal. My objections are as follows:

1. The bill violates the open courts provision of the Missouri Constitution contained in section 14 of article I.
2. The bill violates the constitutional mandate of section 5 of article V of the Missouri Constitution that the rules of practice and procedure of the courts of justice are to be established by the Missouri Supreme Court not the Missouri General Assembly.
3. The bill contains more than one subject in violation of section 23 of article III of the Missouri Constitution in that it contains provisions relating not for profit corporations (chapter 355), legal tender and interest (chapter 408), evidence (chapter 490), venue (chapter 508), pleadings (chapter 510), appeals and appellate procedure (chapter 512), costs in civil cases (chapter 514), statutes of limitation (chapter 516), torts and actions for damages (chapter 537), and tort actions based upon improper health care (chapter 538).
4. The bill violates section 23 of article III of the Missouri Constitution in that the subject of the bill was not clearly expressed in the title. According to the title of CCS/SS/SCS/HCS/HB 393, the bill relates to “claims for damages and the payment thereof.” This title clearly fails to encompass all of the subjects described in paragraph 3 of this letter.

I ask that these objections be attached to the bill. Thank you.

Sincerely,
 /s/ Maida J. Coleman
 Maida J. Coleman
 Minority Floor Leader

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SS** for **SCS** for **HCS** for **HB 393**, having passed both branches of the General Assembly, would be read at length by the Secretary, the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 462**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 476**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 362**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 343**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, Senator Shields submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 316**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 75** and **SB 353**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 346**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Gibbons referred **SCR 9**, **SCR 10**, and **SCR 11** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Klindt assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 14**, as amended, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 348**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 564**, entitled:

An Act to repeal sections 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 437**, entitled:

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof three new sections relating to Missouri military family relief.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 243**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 423**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Highway Patrolman Robert Kolilis Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 431**, entitled:

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to economic stimulus.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 567**, entitled:

An Act to repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to condemnation proceedings.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 58**, entitled:

An Act to repeal sections 49.082, 49.093, 49.272, 50.343, 50.760, 50.770, 50.780, 55.160, 67.1850, 71.794, 82.291, 82.1025, 94.700, 247.060, 247.180, 249.1150, 249.112, 250.140, 278.240, 321.120, 321.190, 321.322, 321.603, 447.620, 447.622, 447.625, 447.640, and 573.505, RSMo, and to enact in lieu thereof forty-four new sections relating to political subdivisions, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Gross moved that the Senate refuse to recede from its position on **SCS for HCS for HB 14**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 14**, as amended: Senators Gross, Nodler, Champion, Dougherty and Bray.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

K. Gary Sherman, 1414 Park Avenue, Laramie, Albany County, Wyoming 82070, as the Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Steve Roling.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Luther J. Rollins, Democrat, 432A Maryland Avenue, Saint Louis, Missouri 63108, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 7, 2010, and until his successor is duly appointed and qualified; vice, Donald Wolff, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

Also, OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 17, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No.98 entitled:

AN ACT

To repeal section 172.020, 173.005, 174.020, 174.231, 174.241, 174.250, 174.251, 174.253, 174.261, 174.300, 174.310, 174.320, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof sixteen new sections relating to state institutions of higher education.

On March 17, 2005, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 98.

Respectfully submitted,

MATT BLUNT

Governor

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 715, regarding Andrew Kueker, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 716, regarding Mr. and Mrs. Bobbie Joe Wells, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution 717, regarding the birth of Carter Hudson Taylor, Pilot Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 718, regarding the birth of Gage Bryan Sultrop, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 719, regarding the birth of David Eugene Butts, Jr., Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 720, regarding the birth of Morgan Ashley Farris, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 721, regarding the birth of Whitney Laine Todd, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 722, regarding the birth of Miah Lyn Bennett, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 723, regarding the birth of Joseph Gerard Behnen, Kirksville, which was adopted.

Senator Stouffer offered Senate Resolution No. 724, regarding the birth of Tyler Wilson Johnson, St. Louis, which

was adopted.

Senators Stouffer and Ridgeway offered Senate Resolution No. 725, regarding Dalton Boggs, Kearney, which was adopted.

Senator Vogel offered Senate Resolution No. 726, regarding Glenna Henry, Holts Summit, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Deb Catlett, Judy Clardy, Paula Chapman, Travelle Whitaker, Diane Thorsen, Glenita Briedwell, Pam Windtberg, Mae Vannatta, Bonnie Whorton Ewing, Juanitta Turnbough, Alberta Studer, Jill Pflantz, Diana Hendrix, Vida Greening, Jeanne Perrigo, Mathew Eder, Larry Shaffer, Barbara Smith and Sharon Colbert from Adair, Marion, Ralls, Clark, Monroe, Macon, Schuyler, Knox, Lewis and Randolph Counties.

Senator Engler introduced to the Senate, his son, Daniel, Joshua Belfield and David Halley, Farmington.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Gene Worth, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 11:00 a.m., Thursday, March 24, 2005.

SENATE CALENDAR

FORTY-SECOND DAY–THURSDAY, MARCH 24, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood
HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al
HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)
HCS for HB 174

HB 40-Tilley
HCS for HB 56
HB 127-Bivins
HCS for HB 47
HCS for HBs 163, 213 & 216

HB 592-Cooper (120)
HB 269-Bruns
HB 361-Lipke
HCS for HB 348
HB 564-Boykins, et al
HCS for HB 437
HB 243-May, et al
HB 423-Kuessner
HB 431-Wright (137)
HB 567-Stevenson, et al
HCS for HB 58

SENATE BILLS FOR PERFECTION

1. SB 348-Clemens
2. SBs 74 & 49-Champion, with SCS
3. SB 95-Coleman
4. SB 12-Cauthorn and Klindt
5. SBs 23 & 51-Griesheimer and Kennedy,
with SCS
6. SB 232-Loudon, et al
7. SB 319-Koster, with SCS
8. SB 274-Taylor
9. SB 462-Klindt, with SCS
10. SB 476-Scott
11. SB 362-Stouffer
12. SB 343-Bartle, et al
13. SB 468-Griesheimer, with SCS
14. SB 316-Dolan, with SCS
15. SBs 75 & 353-Champion and Wheeler,
with SCS
16. SB 346-Clemens, with SCS
17. SB 284-Cauthorn and Clemens,
with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 32-Bartle

SB 187-Cauthorn and Clemens

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 168-Dolan, et al, with SCS

SB 185-Loudon, et al, with SA 1 (pending)
SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)
SB 269-Shields and Callahan, with SCS
SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/8

SB 68-Shields, with SCS

Reported 3/14

SB 374-Loudon and Bray, with SCS

SB 323-Bartle
SB 347-Clemens and Taylor
SB 518-Kennedy and Graham
SB 170-Gross, with SCS
SB 401-Kennedy
SB 480-Shields
SB 496-Mayer, with SCS
SB 84-Bray, with SCS
SB 394-Nodler
SB 479-Scott
SB 358-Taylor
SB 526-Scott

SB 516-Griesheimer
SB 507-Graham
SB 502-Gibbons, with SCS
SB 490-Koster
SB 450-Dolan, with SCS
SB 453-Loudon
SB 431-Callahan
SB 392-Coleman, with SCS
SB 380-Wheeler
SB 372-Engler, et al, with SCS
SB 361-Stouffer

Reported 3/15

SB 464-Vogel
SB 310-Champion, with SCS
SB 355-Griesheimer, et al, with SCS
SB 216-Champion
SB 378-Coleman
SB 534-Bartle
SB 320-Koster
SB 404-Koster
SB 405-Koster

SB 418-Mayer
SBs 420 & 344-Mayer, with SCS
SB 407-Mayer, with SCS
SB 521-Crowell
SB 357-Shields
SB 488-Engler
SB 396-Crowell
SB 390-Taylor, with SCS
SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

RESOLUTIONS

To be Referred

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY—THURSDAY, MARCH 24, 2005

The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 727, regarding Lieutenant Clayton L. Hanks, which was adopted.

On behalf of Senator Wilson, Senator Vogel offered Senate Resolution No. 728, regarding Brian David Massey, which was adopted.

On behalf of Senator Wilson, Senator Vogel offered Senate Resolution No. 729, regarding Aaron Nathaniel Henderson, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 730, regarding Nicole Pellett, Liberal, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 731, regarding Kortni Brouse, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 732, regarding Jill Lenz, which was adopted.

On behalf of Senator Scott, Senator Vogel offered Senate Resolution No. 733, regarding Tom Weigend, which was adopted.

On behalf of Senator Wilson, Senator Vogel offered Senate Resolution No. 734, regarding the death of Arzelia June (Smith) Gates, Kansas City, which was adopted.

On behalf of Senator Taylor, Senator Vogel offered Senate Resolution No. 735, regarding the birth of Owen Dean Corp, Sparta, which was adopted.

On behalf of Senator Taylor, Senator Vogel offered Senate Resolution No. 736, regarding Jerry Parrett, which was adopted.

On behalf of Senator Koster, Senator Vogel offered Senate Resolution No. 737, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Paul Raps, Butler, which was adopted.

On behalf of Senator Mayer, Senator Vogel offered Senate Resolution No. 738, regarding Andrew Jacob Ridenour, Puxico, which was adopted.

On behalf of Senator Kennedy, Senator Vogel offered Senate Resolution No. 739, regarding Justin Daniel Wenk, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 740, regarding Katherine Haffer,

Florissant, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 741, regarding Sarah Henke, Wildwood, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 742, regarding Katie Johnston, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 743, regarding Cayse L. Lazier, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 744, regarding Stacy Mester, Ballwin, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 745, regarding Mary Catherine Morgan, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 746, regarding Kara Naes, Wildwood, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 747, regarding Amber Nahnsen, Ballwin, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 748, regarding Amy Christine Nickless, Festus, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 749, regarding Ashley Price, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 750, regarding Amanda Scheve, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 751, regarding Christina Smith, House Springs, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 752, regarding Lauren Telker, Manchester, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 753, regarding Delisa Young, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 754, regarding Crystal Renee Bobeen, Troy, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 755, regarding Barbara Kaatman, Florissant, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 756, regarding Ann Poston, Bonne Terre, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 757, regarding Rachel Handlang, Bonne Terre, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 758, regarding Brittany Berosky, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 759, regarding Allison M. Wisniewski, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 760, regarding Lily Elfrink, Webster Groves, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 761, regarding Megan Thiele, Hazelwood, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 762, regarding Kelly Duggan, Troy, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 763, regarding Sarah Farley, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 764, regarding Rebecca Bufka, Cedar Hill, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 765, regarding Laura Nicole Steiner, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 766, regarding Alyssa Cuquet, Ballwin, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 767, regarding Alicia Hemann, Florissant, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 768, regarding Jennifer Kempen, Fenton, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 769, regarding Kinsey Ann Coker, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 770, regarding Ella Wider, Fenton, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 771, regarding Rebekah Steitz, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 772, regarding Claire Schillinger, Fenton, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 773, regarding Meghan Antal, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 774, regarding Michelle Aubuchon, St. John, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 775, regarding Trisha Bobeen, Troy, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 776, regarding Kristen Leigh Clasquin, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 777, regarding Robin N. Craig, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 778, regarding Audrey Faulstich, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 779, regarding Meghan Elizabeth Ferrara, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 780, regarding Sarah Greene, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 781, regarding Sara M. Hermann, Ste. Genevieve, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 782, regarding Andrea Frances Hibbeler, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 783, regarding Rosella Holly,

Ballwin, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 784, regarding Katherine Humphreys, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 785, regarding Aubrey Johnson, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 786, regarding Mary Johnson, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 787, regarding Lindsey Lanfersieck, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 788, regarding Sara Diane Luckow, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 789, regarding Audrey McFarland, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 790, regarding Carrie Noll, Ste. Genevieve, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 791, regarding Casey M. Parmenter, Wentzville, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 792, regarding Jennifer Pautz, Manchester, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 793, regarding Mishelle Anne Perkins, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 794, regarding Amanda Maria Polizzi, Fenton, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 795, regarding Elizabeth Reinberg, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 796, regarding Bridget Sayre, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 797, regarding Amy Steward, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 798, regarding Holly Tauser, Hazelwood, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 799, regarding Devon Cramer, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 800, regarding Layne Thompson, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 801, regarding Gretchen Thurmer, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 802, regarding Emily Tobias, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 803, regarding Laura Twillmann, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 804, regarding Catrina Rose Vitale, Fenton, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 805, regarding Tracy Lynn Walker, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 806, regarding Jennifer Watkins, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 807, regarding Julie Ann Kirchmer, Ste. Genevieve, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 808, regarding McKay A. Yancey, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 809, regarding Keri E. Clynes, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 810, regarding Leah Katz, Chesterfield, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 811, regarding Liz Herrera, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 812, regarding Erin McKenzie, House Springs, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 813, regarding Miryam Andrews-Ohlman, St. Louis, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 814, regarding Heather Martin, Wentzville, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 815, regarding Ashley Whitwell, St. Peters, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 816, regarding Dainielle Jeane' Fox, Florissant, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 817, regarding Kelsey Leigh Allen, Wildwood, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 818, regarding Jennifer Bryant, De Soto, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 819, regarding Linda Feemster, St. John, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 820, regarding Sarah Heidbrier, Troy, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 821, regarding Crystal Quesenberry, Foristell, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 822, regarding Valerie Riley, Arnold, which was adopted.

On behalf of Senator Coleman, Senator Vogel offered Senate Resolution No. 823, regarding Sydney Renee' Williams, Wentzville, which was adopted.

On behalf of Senator Gibbons and himself, Senator Vogel offered Senate Resolution No. 824, regarding Dispatcher Cheryl Morgan of the Missouri Capitol Police, Jefferson City, which was adopted.

On behalf of Senator Gibbons and himself,

Senator Vogel offered Senate Resolution No. 825, regarding Dispatcher LaTrise Wilson of the Missouri Capitol Police,

Jefferson City, which was adopted.

On behalf of Senator Gibbons and himself, Senator Vogel offered Senate Resolution No. 826, regarding Officer Glen Carey of the Missouri Capitol Police, Henley, which was adopted.

On behalf of Senator Gibbons and himself, Senator Vogel offered Senate Resolution No. 827, regarding Officer David Worley of the Missouri Capitol Police, Jefferson City, which was adopted.

On behalf of Senator Gibbons and himself, Senator Vogel offered Senate Resolution No. 828, regarding Sergeant Mike Sapp of the Missouri Capitol Police, Holts Summit, which was adopted.

On behalf of Senator Gibbons and himself, Senator Vogel offered Senate Resolution No. 829, regarding Sergeant Stacy Skiles-Minze of the Missouri Capitol Police, Jefferson City, which was adopted.

On motion of Senator Vogel, the Senate adjourned until 3:00 p.m., Tuesday, March 29, 2005.

SENATE CALENDAR

FORTY-THIRD DAY–TUESDAY, MARCH 29, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood
HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al
HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)
HCS for HB 174
HB 40-Tilley
HCS for HB 56
HB 127-Bivins

HCS for HB 47

HCS for HBs 163, 213 & 216
HB 592-Cooper (120)
HB 269-Bruns
HB 361-Lipke

HCS for HB 348
HB 564-Boykins, et al
HCS for HB 437
HB 243-May, et al
HB 423-Kuessner
HB 431-Wright (137)
HB 567-Stevenson, et al
HCS for HB 58

SENATE BILLS FOR PERFECTION

1. SB 348-Clemens
 2. SBs 74 & 49-Champion, with SCS
 3. SB 95-Coleman
 4. SB 12-Cauthorn and Klindt
 5. SBs 23 & 51-Griesheimer and Kennedy,
with SCS
 6. SB 232-Loudon, et al
 7. SB 319-Koster, with SCS
 8. SB 274-Taylor
 9. SB 462-Klindt, with SCS
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10. SB 476-Scott
 11. SB 362-Stouffer
 12. SB 343-Bartle, et al
 13. SB 468-Griesheimer, with SCS
 14. SB 316-Dolan, with SCS
 15. SBs 75 & 353-Champion and Wheeler,
with SCS
 16. SB 346-Clemens, with SCS
 17. SB 284-Cauthorn and Clemens,
with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 32-Bartle

SB 187-Cauthorn and Clemens

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SB 152-Wilson, with SCS

SB 160-Bartle, et al
SB 168-Dolan, et al, with SCS
SB 185-Loudon, et al, with SA 1 (pending)
SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)
SB 269-Shields and Callahan,
with SCS

SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/8

SB 68-Shields, with SCS

Reported 3/14

SB 374-Loudon and Bray, with SCS
SB 323-Bartle
SB 347-Clemens and Taylor
SB 518-Kennedy and Graham
SB 170-Gross, with SCS
SB 401-Kennedy
SB 480-Shields
SB 496-Mayer, with SCS
SB 84-Bray, with SCS
SB 394-Nodler
SB 479-Scott
SB 358-Taylor

SB 526-Scott

SB 516-Griesheimer
SB 507-Graham
SB 502-Gibbons, with SCS
SB 490-Koster
SB 450-Dolan, with SCS
SB 453-Loudon
SB 431-Callahan
SB 392-Coleman, with SCS
SB 380-Wheeler
SB 372-Engler, et al, with SCS
SB 361-Stouffer

Reported 3/15

SB 464-Vogel
SB 310-Champion, with SCS
SB 355-Griesheimer, et al, with SCS
SB 216-Champion
SB 378-Coleman
SB 534-Bartle
SB 320-Koster
SB 404-Koster

SB 405-Koster
SB 418-Mayer
SBs 420 & 344-Mayer, with SCS
SB 407-Mayer, with SCS
SB 521-Crowell
SB 357-Shields
SB 488-Engler
SB 396-Crowell
SB 390-Taylor, with SCS

SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

RESOLUTIONS

To be Referred

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY—TUESDAY, MARCH 29, 2005

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let days speak, and many years teach wisdom. But it is the spirit in a man, the breath of the Almighty, that makes him understand.” (Job 32:7-8)

Lord, we thank You for this time of rest and re-creation. We return here ready for what lies ahead, knowing we have learned from You during our break. Let us always be open to Your teachings and make ourselves available to learn of Your Word. And Father, we pray for Senator Green at the death of his mother this past weekend and pray that You will comfort and be present with him and his family during this time of grief. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 17, 2005 and Thursday, March 24, 2005, were read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 830, regarding Billy D. Cole, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 831, regarding the birth of Jenna Lia Wood, Parkville, which was adopted.

Senator Stouffer offered Senate Resolution No. 832, regarding Mike Stevens, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 833, regarding the birth of Gavin Joseph Burkhart, Paducah, Kentucky, which was adopted.

Senator Stouffer offered Senate Resolution No. 834, regarding Mr. and Mrs. Jason D. Willis, Lee's Summit, which was adopted.

Senator Stouffer offered Senate Resolution No. 835, regarding the birth of Saige Nicole Butler, Bolivar, which was adopted.

Senator Green offered Senate Resolution No. 836, regarding Michael S. Swank, which was adopted.

Senator Gross offered Senate Resolution No. 837, regarding Sue Batisto, Saint Charles, which was adopted.

Senator Mayer offered Senate Resolution No. 838, regarding Jean Chervenak, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 839, regarding Tori Ratliff, Kennett, which was adopted.

Senator Mayer offered Senate Resolution No. 840, regarding Britney Bagby, Dexter, which was adopted.

Senator Stouffer offered Senate Resolution No. 841, regarding Anthony D. Quick, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 842, regarding Grant Pfizenmaier, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 843, regarding William Boyd, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 844, regarding Larry Littrell, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 845, regarding the birth of Kaidence Rianne Kent, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 846, regarding the birth of Myranda Louise Lefman, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 847, regarding the birth of Noah Scott Sanders, Gilliam, which was adopted.

Senator Stouffer offered Senate Resolution No. 848, regarding the birth of Colton Dale Boss, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 849, regarding the death of Jessie Marie Spencer Lingle, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 850, regarding the death of Ida A. Seals, Triplett, which was adopted.

Senator Stouffer offered Senate Resolution No. 851, regarding the death of James Michael Baker, Richmond, which was adopted.

Senator Bartle offered Senate Resolution No. 852, regarding Bradley Carl Enke, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 853, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Melvin "John" Forrester, Independence, which was adopted.

Senator Graham offered Senate Resolution No. 854, regarding Lloyd W. Gittemeier, Cairo, which was adopted.

Senator Gross offered Senate Resolution No. 855, regarding Susan Weich, St. Charles, which was adopted.

THIRD READING OF SENATE BILLS

Senator Cauthorn moved that **SB 187** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Cauthorn moved that **SB 187** be read the 3rd time and finally passed, which motion failed to receive a

constitutional majority by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Engler	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Purgason	Stouffer	Vogel—15	

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Kennedy	Nodler
Shields	Taylor	Wheeler	Wilson—12

Absent—Senators

Crowell	Gibbons	Ridgeway	Scott—4
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Absent with leave—Senator
Green—1

Vacancies—2

SS for **SCS** for **SB 32**, introduced by Senator Bartle, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 32

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof ten new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

Was called from the Informal Calendar and taken up.

On motion of Senator Bartle, **SS** for **SCS** for **SB 32** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Dolan	Engler	Gibbons
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—23	

NAYS—Senators

Bray	Coleman	Days	Dougherty
Graham	Wheeler	Wilson—7	

Absent—Senator Crowell—1

Absent with leave—Senator
Green—1

Vacancies—2

President Kinder assumed the Chair.

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk: Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 14**, as amended. Representatives: Lager, Icet, Sutherland, LeVota and Shoemyer.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John W. Buckner, III, M.D., Republican, 4391 South Farm Road, Springfield, Greene County, Missouri 65810, as a member of the State Board of Health, for a term ending October 13, 2006, and until his successor is duly appointed and qualified; vice, Tommy MacDonnell, M.D., term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 24, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas A. Deuschle, 611 Cottonwood Lane, Liberty, Clay County, Missouri 64068, as the Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Catherine B. Leapheart.

Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 23, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert C. Fulp, Republican, 2436 East Michelle Place, Springfield, Greene County, Missouri 65804, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Dr. Ronald Bobo, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 24, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Glen Richard Hastings, Republican, 2612 Northwest Ashurst Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2009, and until his successor is duly appointed and qualified; vice, William Carson, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sandra J. Jones, Republican, 610 West Summit, Bolivar, Polk County, Missouri 65613, as a member of the Missouri Women's Council, for a term ending December 6, 2005, and until her successor is duly appointed and qualified; vice, Jane Klieve, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 24, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Barbara H. Pickering, 525 Lakeview Road, Mexico, Audrain County, Missouri 65265, as a member of the State Lottery Commission, for a term ending September 9, 2005, and until her successor is duly appointed and qualified; vice, Barbara H. Pickering, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Toni R. Smith, D.O., Republican, 230 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2006, and until her successor is duly appointed and qualified; vice, Barry Dean Spoon, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul C. Vescovo III, 4 Carver Place, Smithville, Clay County, Missouri 64089, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2007, and until his successor is duly appointed and qualified; vice, Dennis Martin, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard J. Wilson, Republican, 811 Harvest, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Development Finance Board, for a term ending September 14, 2008, and until his successor is duly appointed and qualified; vice, Richard J. Wilson, reappointed to full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

March 22, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anita T. Yeckel, Republican, 8819 Gladlea Drive, Saint Louis, Saint Louis County, Missouri 63127, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2008, and until her successor is duly appointed and qualified; vice, Joseph Rechter, term expired.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments. **SENATE BILLS FOR PERFECTION**

Senator Shields moved that **SB 269**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 269**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 269

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainer tax.

Was taken up.

Senator Shields moved that **SCS** for **SB 269** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 269**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 269

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainer tax.

Senator Shields moved that **SS** for **SCS** for **SB 269** be adopted.

Senator Bartle assumed the Chair.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 7, Section 143.183, Lines 24-25, by striking the words "available amount of the"; and further amend said page, lines 27-28 of said page, by striking all of said lines; and

Further amend said section, page 8, lines 1-25 of said page, by striking all of said lines and inserting in lieu thereof the following: "shall be allocated annually to the **Missouri sports authority subaccount established under subsection 14 of this section. The funds in the subaccount shall be allocated in the following manner:**

- (1) **Twenty-three percent to the Springfield sports commission;**
 - (2) **Seventeen percent to the Joplin sports authority; and**
 - (3) **Eight percent to the Branson sports authority; and**
 - (4) **Twenty-three percent to the St. Charles County convention and sports facility authority created in section 67.1150, RSMo; and**
 - (5) **All remaining funds in the subaccount shall be allocated to convention and visitor bureaus operating sports marketing programs in any home rule city with more than eighty-four thousand five hundred but fewer than eighty-four thousand six hundred inhabitants, any home rule city with more than thirty-five thousand three hundred forty but fewer than thirty-five thousand seven hundred inhabitants, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, any home rule city with more than thirty-nine thousand six hundred but fewer than thirty-nine thousand seven hundred inhabitants and partially located in any county of the first classification with more than seventy-one thousand three hundred but fewer than seventy-one thousand four hundred inhabitants, and any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants.**
- In order for any entity to receive allocations of funds under this subsection, such entity shall provide a local match equal to one hundred percent of the allocation. For fiscal year 2007, the percentage allocated to the Joplin sports authority shall be supplanted by a grant from the subaccount in an amount equal to four hundred**

thousand dollars to the Joplin sports authority with no requirement of a local match for the grant. In addition to the above percentage, twenty percent of the funds authorized under subdivision 3 of subsection 10 of this section shall be allocated to a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, subject to the award of a grant and procedures established by the office of administration for the acquisition of land, design construction or debt service of new regional sports and recreational facilities, provided at least fifty percent of the cost of each facility is paid for by the city.”; and

Further amend said bill and section, page 12, line 2 of said page, by inserting at the end of said line the following: **“The provisions of this subsection shall not apply to allocations made under subsection 9 of this section.”**; and further amend said page, line 15 of said page, by inserting after all of said line the following:

“14. There is hereby created within the nonresident entertainer and athlete fund a subaccount known as the “Missouri Sports Authority Subaccount”. All funds received from the allocation provided in subsection 9 of this section shall be deposited to the credit of the Missouri sports authority subaccount.”.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 10, Section 143.183, Lines 13-16, by striking all of said lines and inserting in lieu thereof the following: **“retaining jobs in Missouri; or any other expense that helps realize the policy”**; and further amend said section and page, line 19, by inserting immediately after “RSMo” the following: **“. Under no circumstances shall such investments be used for the repair, maintenance, renovation or replacement of existing sports facilities”** and further amend said section and page, line 26 by striking the word “for” as it appears the first time in said line; and further amend said section and page, line 27 by striking the word “professional”: and further amend said section and page, line 28 by striking the following: “sports or”; and further amend said section and page line 28 by striking the following: “that is used for the”; and further amend said section, page 11, lines 1-5, by striking all of said lines and inserting in lieu thereof the following: **“or for any other public purpose consistent with this section, but under no circumstances shall such investments be used for the repair, maintenance, renovation or replacement of the existing sports facility used for the playing of professional hockey, which is owned or is on land that is owned, by a city not within a county or any political subdivision, agency, or instrumentality thereof;”.**

Senator Griesheimer moved that the above amendment be adopted.

Senator Bray offered SSA 1 for SA 2:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 3, Section 143.183, Lines 26-27, by striking all of said lines and inserting in lieu thereof the following: **“athlete fund. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the”**; and further amend said section, page 4, line 7 by striking the opening bracket “[”; and further amend line 9 by striking the closing bracket “]”; and further amend line 24 by striking all of the opening brackets “[”; and further amend said line by striking the closing bracket “]”; and further amend said line by striking “2007”; and further amend line 25 by striking all of the opening and closing brackets and all of the underlined words; and further amend line 26 by striking all of the underlined words; and further amend said section, page 5, lines 17-19 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 6, line 3 by striking the opening and closing brackets; and further amend lines 11-13 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 7, line 15 by striking the opening and closing brackets; and further amend lines 23-25 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 8, lines 6-15 by striking all of the underlined words; and further amend lines 26-28 by striking all of said lines; and further amend said section, pages 9-11 by striking all of said pages, and further amend said section, page 12, lines 1-2 by striking all of said lines; and further renumber the remaining subsection accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Days offered SA 1 to SSA 1 for SA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 2, Line 5, by inserting after the second use of the word “lines” the following: “and inserting in lieu thereof the following:

‘10. If the number of Medicaid eligibles falls below the level established as of March 15, 2005, then no allocation shall be made under this section.’”.

Senator Days moved that the above amendment be adopted.

At the request of Senator Days, **SA 1 to SSA 1 for SA 2** was withdrawn.

SSA 1 for SA 2 was again taken up.

At the request of Senator Bray, the above substitute amendment was withdrawn.

Senator Bray offered **SSA 2 for SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 3, Section 143.183, Lines 26-27, by striking all of said lines and inserting in lieu thereof the following: **“athlete fund. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the”**; and further amend said section, page 4, line 7 by striking the opening bracket “[”]; and further amend line 9 by striking the closing bracket “]”; and further amend line 24 by striking all of the opening brackets “[”]; and further amend said line by striking the closing bracket “]”; and further amend said line by striking “2007”; and further amend line 25 by striking all of the opening and closing brackets and all of the underlined words; and further amend line 26 by striking all of the underlined words; and further amend said section, page 5, lines 17-19 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 6, line 3 by striking the opening and closing brackets; and further amend lines 11-13 by striking all of the opening and closing brackets and all of the underlined words; and further amend said section, page 7, line 15 by striking the opening and closing brackets; and further amend lines 26-28 by striking all of said lines; and further amend said section, pages 9-11 by striking all of said pages, and further amend said section, page 12, lines 1-2 by striking all of said lines; and further renumber the remaining subsection accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Days offered **SA 1 to SSA 2 for SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 269, Page 2, Line 5, by inserting after the second use of the word “lines” the following: “and inserting in lieu thereof the following:

‘10. If the number of Medicaid eligibles falls below the level established as of March 15, 2005, then no allocation shall be made under this section.’”.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Coleman, Kennedy and Wilson.

SA 1 to SSA 2 for SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Dougherty
Engler	Graham	Kennedy	Wilson—8

NAYS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Gibbons	Griesheimer	Gross

Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—20

Absent—Senators

Crowell	Dolan	Koster—3
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Absent with leave—Senator
Green—1

Vacancies—2

SSA 2 for **SA 2** was again taken up.

Senator Bray moved that the above substitute amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **SB 269**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 269**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 119**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to life insurance benefits for government employees during military deployments, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 343**, entitled:

An Act to repeal section 50.530, RSMo, and to enact in lieu thereof one new section relating to county officials.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 345**, entitled:

An Act to repeal section 64.215, RSMo, and to enact in lieu thereof one new section relating to county planning boards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 413**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to a bioterrorism vaccination

program for first responders deployed to disaster locations, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 445**, entitled:

An Act to repeal section 71.943, RSMo, and to enact in lieu thereof one new section relating to codification of municipal ordinances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 479**, entitled:

An Act to repeal section 67.792, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 524**, entitled:

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist duties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 69**, entitled:

An Act to repeal sections 375.532 and 376.300, RSMo, and to enact in lieu thereof two new sections relating to investments of insurers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 402**, entitled:

An Act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 456**, entitled:

An Act to repeal section 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand

juries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 486**, entitled:

An Act to repeal section 566.140, RSMo, and to enact in lieu thereof one new section relating to service providers for sexual offender treatment for probationers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SB 323** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **SCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 23, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Small Business Regulatory Fairness Board

Dear Terry:
Pursuant to Section 536.305 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Small Business Regulatory Fairness Board:

Senator Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

March 23, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Second State Capitol Commission

Dear Terry:

Pursuant to Section 8.03 of the Revised Statutes of Missouri (RSMo 2002), I am appointing Jim Howerton, Senate Administrator, to the Second State Capitol Commission to replace Michael Keathley as the Senate employee member.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Stephanie Schenck, Jill Roth and Mary DeGenova, Ste. Genevieve.

Senator Griesheimer introduced to the Senate, Charlotte Fuchs, Wildwood; and Janie Tobias and Mary Knollhoff, St. Louis.

Senator Gibbons introduced to the Senate, Lee and Kailynn Kneibert, Victoria Landis, and Kelsey Kotanski, Fenton; Ester McGowen, Wildwood; Hanna and Abigail Smith, Crestwood; and Kailynn, Ester, Hanna, Victoria, Kelsey and Abigail were made honorary pages.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY–WEDNESDAY, MARCH 30, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 441

HCS for HB 347

HCS for HB 468

HB 248-Pearce

HCS for HB 297

HCS for HB 135

HB 229-Portwood

HB 230-Portwood

HCS for HB 379

HCS#2 for HBs 94 & 185

HCS for HB 365

HB 100-Cunningham, et al

HCS for HB 186

HB 48-Dougherty

HB 114-Johnson (47)

HCS for HB 174

HB 40-Tilley

HCS for HB 56

HB 127-Bivins

HCS for HB 47

HCS for HBs 163, 213 & 216

HB 592-Cooper (120)

HB 269-Bruns

HB 361-Lipke
HCS for HB 348
HB 564-Boykins, et al
HCS for HB 437
HB 243-May, et al
HB 423-Kuessner
HB 431-Wright (137)
HB 567-Stevenson, et al
HCS for HB 58

HCS for HB 119
HB 343-Baker (123)
HB 345-Baker (123)
HB 413-Hubbard, et al
HB 445-Guest and Whorton
HB 479-Ervin
HB 524-May, et al
HB 69-Rupp
HB 402-Schaaf, et al
HB 456-Kuessner, et al
HB 486-Bruns

SENATE BILLS FOR PERFECTION

1. SB 348-Clemens
2. SBs 74 & 49-Champion, with SCS
3. SB 95-Coleman
4. SB 12-Cauthorn and Klindt
5. SBs 23 & 51-Griesheimer and Kennedy,
with SCS
6. SB 232-Loudon, et al
7. SB 319-Koster, with SCS
8. SB 274-Taylor
9. SB 462-Klindt, with SCS
10. SB 476-Scott
11. SB 362-Stouffer
12. SB 343-Bartle, et al
13. SB 468-Griesheimer, with SCS
14. SB 316-Dolan, with SCS
15. SBs 75 & 353-Champion and Wheeler,
with SCS
16. SB 346-Clemens, with SCS
17. SB 284-Cauthorn and Clemens, with SCS
18. SB 272-Gross, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 29-Dolan, with SCS &
SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SB 152-Wilson, with SCS
SB 160-Bartle, et al

SB 168-Dolan, et al, with SCS
SB 185-Loudon, et al, with SA 1 (pending)
SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/8

SB 68-Shields, with SCS

Reported 3/14

SB 374-Loudon and Bray, with SCS
SB 323-Bartle (In Fiscal Oversight)
SB 347-Clemens and Taylor
SB 518-Kennedy and Graham
SB 170-Gross, with SCS
SB 401-Kennedy
SB 480-Shields
SB 496-Mayer, with SCS
SB 84-Bray, with SCS
SB 394-Nodler
SB 479-Scott
SB 358-Taylor

SB 526-Scott
SB 516-Griesheimer
SB 507-Graham
SB 502-Gibbons, with SCS
SB 490-Koster
SB 450-Dolan, with SCS
SB 453-Loudon
SB 431-Callahan
SB 392-Coleman, with SCS
SB 380-Wheeler
SB 372-Engler, et al, with SCS
SB 361-Stouffer

Reported 3/15

SB 464-Vogel
SB 310-Champion, with SCS
SB 355-Griesheimer, et al, with SCS
SB 216-Champion
SB 378-Coleman
SB 534-Bartle
SB 320-Koster
SB 404-Koster
SB 405-Koster

SB 418-Mayer
SBs 420 & 344-Mayer, with SCS
SB 407-Mayer, with SCS
SB 521-Crowell
SB 357-Shields
SB 488-Engler
SB 396-Crowell
SB 390-Taylor, with SCS
SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY—WEDNESDAY, MARCH 30, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Martin Luther prayed for lawmakers: “Give them the ability to work for what is necessary to keep the peace and let them exercise care, lest their laws become impossible burdens.”

Gracious God, we pray also that You help legislators fashion and shape laws that will encourage men and women to live in peace. We pray that they may be able to create legislation that provides governing with strength and power tempered by justice. We pray that You will inspire them with wisdom to write laws with integrity that encourages goodwill among all citizens. And we pray they accomplish that which is well pleasing to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

Absent with leave—Senator
Green—I

The Lieutenant Governor was present.

Senator Scott assumed the Chair.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 856, regarding the Fiftieth Anniversary of the Greater Northland Junior Chamber of Commerce, which was adopted.

Senator Ridgeway offered Senate Resolution No. 857, regarding Alex Carpenter, Liberty, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 168**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 168**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 168

An Act to amend chapter 431, RSMo, by adding thereto eight new sections relating to resolution of conflicts resulting from alleged residential construction defects.

Was taken up.

Senator Dolan moved that **SCS** for **SB 168** be adopted.

Senator Dolan offered **SS** for **SCS** for **SB 168**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 168

An Act to amend chapter 431, RSMo, by adding thereto seven new sections relating to resolution of disputes concerning alleged defective residential construction.

Senator Dolan moved that **SS** for **SCS** for **SB 168** be adopted.

President Kinder assumed the Chair.

Senator Scott assumed the Chair.

Senator Dolan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 15, Section 431.312, Lines 25-26, by striking the words “, except as provided in subsection 3 of section 431.315”; and further amend section 431.315, page 18, lines 2-5 by striking all of said lines; and further renumber the remaining subsection accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 1, Section A, Line 4, by inserting after all of said line the following:

“213.041. 1. No declaration or other governing document of a homeowners association shall include a restrictive covenant in violation of section 213.040.

2. Notwithstanding any other provision of law or provision of the governing documents, the board of directors of a homeowners association shall amend, without approval of the owners, any declaration or other governing document that includes a restrictive covenant in violation of section 213.040, and shall restate the

declaration or other governing document without the restrictive covenant but with no other change to the declaration or governing document.

3. If after providing written notice to a homeowners association requesting that the association delete a restrictive covenant in violation of section 213.040, and the association fails to delete the restrictive covenant within thirty days of receiving the notice, the Missouri commission on human rights, a city or county in which a common interest development is located, or any person may bring an action against the homeowners association for injunctive relief to enforce the provisions of subsections 1 and 2 of this section. The court may award attorney's fees to the prevailing party.

4. The provisions of this section shall become effective on January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Page 5, Section 431.303, Line 28, by inserting after all of said line the following:

“3. In addition to the notice required by subsection 2 of this section, the contractor shall also provide a flowchart describing the timeframe guidelines and process for complying with sections 431.300 to 431.315.”; and further renumber the remaining subsections accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that SS for SCS for SB 168, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, SS for SCS for SB 168, as amended, was declared perfected and ordered printed.

SB 348 was placed on the Informal Calendar.

SB 74 and SB 49, with SCS, were placed on the Informal Calendar.

SB 95 was placed on the Informal Calendar.

SB 12 was placed on the Informal Calendar.

SB 23 and SB 51, with SCS, were placed on the Informal Calendar.

SB 232 was placed on the Informal Calendar.

Senator Koster moved that SB 319, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 319, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 319

An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfers of experience and assignment of rates for employer accounts, with penalty provisions and an effective date.

Was taken up.

Senator Koster moved that SCS for SB 319 be adopted.

At the request of Senator Koster, SB 319, with SCS (pending) was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John C. Hanneke, Democrat, 1522 Wild Goose Run, Saint Charles, Saint Charles County, Missouri 63303, as a member of the Credit Union Commission, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term. Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Matthew A. Hughes, 30 Park Street, Farmington, Saint Francois County, Missouri 63640, as a member of the Governor's Council on Disability, for a term ending October 1, 2008, and until his successor is duly appointed and qualified; vice, David Terrell, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John G. Kennon, 21 Grizzly Court, Farmington, Saint Francois County, Missouri 63640, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, James Dickerson, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ryne P. Lilly, Republican, 4326 Stonecrest Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel Scodary, M.D., Republican, 252 Ladue Lake, Saint Louis, Saint Louis County, Missouri 63141, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2007, and until his successor is duly appointed and qualified; vice, Doug J. Fitzwater, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Celeste T. Witzel, Republican, 3116 Southridge Park Lane, Saint Louis, Saint Louis County, Missouri 63129, as a member of the State Lottery Commission, for a term ending September 7, 2007, and until her successor is duly appointed and qualified; vice, Kenneth Hensley, term expired.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 269**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 269** to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 441**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 347**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 468**—Financial and Governmental Organizations and Elections.

HB 248—Financial and Governmental Organizations and Elections.

HCS for **HB 297**—Education.

HCS for **HB 135**—Economic Development, Tourism and Local Government.

HB 229—Ways and Means.

HB 230—Ways and Means.

HCS for **HB 379**—Financial and Governmental Organizations and Elections.

HB 40—Economic Development, Tourism and Local Government.

HCS for **HB 56**—Aging, Families, Mental and Public Health.

HB 127—Economic Development, Tourism and Local Government.

HCS for **HB 47**—Economic Development, Tourism and Local Government.

HCS for **HBs 163, 213 and 216**—Pensions, Veterans' Affairs and General Laws.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

THIRD READING OF SENATE BILLS

SB 518, introduced by Senators Kennedy and Graham, entitled:

An Act to repeal section 191.859, RSMo, and to enact in lieu thereof two new sections relating to the advisory assistive technology council.

Was called from the Consent Calendar and taken up by Senator Kennedy.

Senator Kennedy moved that **SB 518** be read the 3rd time and finally passed.

At the request of Senator Kennedy, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SENATE BILLS FOR PERFECTION

At the request of Senator Taylor, **SB 274** was placed on the Informal Calendar.

Senator Klindt moved that **SB 462**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 462**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 462

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

Was taken up.

Senator Klindt moved that **SCS** for **SB 462** be adopted.

Senator Klindt offered **SS** for **SCS** for **SB 462**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 462

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

Senator Klindt moved that **SS** for **SCS** for **SB 462** be adopted, which motion prevailed.

On motion of Senator Klindt, **SS** for **SCS** for **SB 462** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

Senator Kennedy moved that **SB 518** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Kennedy, **SB 518** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—27	

NAYS—Senators—None

Absent—Senators

Dolan Klindt Loudon—3

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 170, with **SCS**, introduced by Senator Gross, entitled:

An Act to repeal sections 260.905, 260.925, 260.945, and 260.960, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste, with an emergency clause and an expiration date.

Was called from the Consent Calendar and taken up.

SCS for **SB 170**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 170

An Act to repeal sections 260.900, 260.905, 260.925, 260.935, 260.940, 260.945, and 260.960, RSMo, and to enact in lieu thereof eight new sections relating to hazardous waste, with an emergency clause and an expiration date.

Was taken up.

Senator Gross moved that **SCS** for **SB 170** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 170** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senator Purgason—1

Absent—Senators—None

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Dougherty	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senators—None

Absent—Senators

Coleman Engler—2

Absent with leave—Senators

Days Green—2

Vacancies—2

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Nodler moved that the vote by which **SB 187** failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Clemens	Crowell
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Dolan	Dougherty	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Purgason	Ridgeway
Scott	Stouffer	Vogel—19	

NAYS—Senators			
Bray	Callahan	Champion	Coleman
Graham	Kennedy	Nodler	Shields
Taylor	Wheeler	Wilson—11	

Absent—Senators—None			
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Absent with leave—Senators			
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Days	Green—2		
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Vacancies—2			
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SB 187 was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Cauthorn	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Purgason	Ridgeway	Scott
Stouffer	Vogel—18		

NAYS—Senators			
Bray	Callahan	Champion	Coleman
Dougherty	Graham	Kennedy	Nodler
Shields	Taylor	Wheeler	Wilson—12

Absent—Senators—None			
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Absent with leave—Senators			
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The President declared the bill passed.
On motion of Senator Cauthorn, title to the bill was agreed to.
Senator Cauthorn moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 374, with **SCS**, introduced by Senators Loudon and Bray, entitled:
An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.
Was called from the Consent Calendar and taken up by Senator Loudon.
SCS for **SB 374**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 374

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.
Was taken up.
Senator Loudon moved that **SCS** for **SB 374** be adopted, which motion prevailed.
On motion of Senator Loudon, **SCS** for **SB 374** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 347, introduced by Senators Clemens and Taylor, entitled:

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for professional counselors.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **SB 347** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days

Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 401, introduced by Senator Kennedy, entitled:

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 401** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.
On motion of Senator Kennedy, title to the bill was agreed to.
Senator Kennedy moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 480, introduced by Senator Shields, entitled:
An Act to amend chapter 167, RSMo, by adding thereto one new section relating to effective involvement by parents and families in support of their children’s education.
Was called from the Consent Calendar and taken up.
On motion of Senator Shields, **SB 480** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days

Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 496, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 217.105, RSMo, and to enact in lieu thereof one new section relating to the corrections officer certification commission.

Was called from the Consent Calendar and taken up.

SCS for **SB 496**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 496

An Act to repeal section 217.105, RSMo, and to enact in lieu thereof one new section relating to corrections officer certification commission.

Was taken up.

Senator Mayer moved that **SCS** for **SB 496** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 496** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

Days

Green—2

The President declared the bill passed.
On motion of Senator Mayer, title to the bill was agreed to.
Senator Mayer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 84, with **SCS**, introduced by Senator Bray, entitled:

An Act to repeal section 115.315, RSMo, and to enact in lieu thereof one new section relating to the formation of a new political party.
Was called from the Consent Calendar and taken up.
SCS for **SB 84**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 84

An Act to repeal sections 115.315 and 115.327, RSMo, and to enact in lieu thereof two new sections relating to the formation of a new political party.
Was taken up.
Senator Bray moved that **SCS** for **SB 84** be adopted, which motion prevailed.
On motion of Senator Bray, **SCS** for **SB 84** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

The President declared the bill passed.
On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 394, introduced by Senator Nodler, entitled:

An Act to repeal section 30.720, RSMo, relating to financial institutions doing business in northern Ireland.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 394** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 479, introduced by Senator Scott, entitled:

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing of financial interest statements.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 479** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell

Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.
On motion of Senator Scott, title to the bill was agreed to.
Senator Scott moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 358, introduced by Senator Taylor, entitled:
An Act to repeal sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, and to enact in lieu thereof four new sections relating to tourism community enhancement districts.
Was called from the Consent Calendar and taken up.
On motion of Senator Taylor, **SB 358** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 526, introduced by Senator Scott, entitled:

An Act to repeal section 166.420, RSMo, and to enact in lieu thereof one new section relating to the minimum time for holding investments in the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 526** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senators—None

Absent—Senators

Kennedy Klindt—2

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 516, introduced by Senator Griesheimer, entitled:

An Act to repeal section 99.847, RSMo, and to enact in lieu thereof one new section relating to districts providing emergency services.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 516** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 507, introduced by Senator Graham, entitled:

An Act to repeal section 55.160, RSMo, and to enact in lieu thereof one new section relating to inventory of county property.

Was called from the Consent Calendar and taken up.

On motion of Senator Graham, **SB 507** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.
On motion of Senator Graham, title to the bill was agreed to.
Senator Graham moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 502, with **SCS**, introduced by Senator Gibbons, entitled:
An Act to authorize the conveyance of property owned by the state in St. Louis County to the Manchester United Methodist Church, with an emergency clause.
Was called from the Consent Calendar and taken up.
SCS for **SB 502**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 502

An Act to authorize the conveyance of property owned by the state in St. Louis County to the Manchester United Methodist Church, with an emergency clause.
Was taken up.
Senator Gibbons moved that **SCS** for **SB 502** be adopted, which motion prevailed.
On motion of Senator Gibbons, **SCS** for **SB 502** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days

Green—2

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days

Green—2

Vacancies—2

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 490, introduced by Senator Koster, entitled:

An Act to repeal section 71.012, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 490** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 450, with **SCS**, introduced by Senator Dolan, entitled:

An Act to authorize the conveyance of state property.

Was called from the Consent Calendar and taken up.

SCS for **SB 450**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 450

An Act to authorize the conveyance of state property.

Was taken up.

Senator Dolan moved that **SCS** for **SB 450** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 450** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons

Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Days Green—2

Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 515**, entitled:

An Act to repeal sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, and to enact in lieu thereof four new sections relating to tourism community enhancement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 215**, entitled:

An Act to repeal section 67.1350, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 596** entitled:

An Act to repeal section 290.145, RSMo, and to enact in lieu thereof two new sections relating to health insurance benefits for employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 638**, entitled:

An Act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to public library districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to repeal sections 351.107, 351.180, 351.182, 351.295, 351.405, and 409.2-202, RSMo, and to enact in lieu thereof six new sections relating to corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 43**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 684**, entitled:

An Act to repeal sections 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof three new sections relating to the DNA profiling system, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 53**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Governor John M. Dalton Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 108**, entitled:

An Act to repeal section 354.535, RSMo, and to enact in lieu thereof two new sections relating to insurance co-payments for prescription drugs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 155**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 236**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to a national guard armory.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 280**, entitled:

An Act to repeal section 115.436, RSMo, and to enact in lieu thereof one new section relating to physically disabled voters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 342**, entitled:

An Act to repeal section 115.019, RSMo, and to enact in lieu thereof one new section relating to board of election commissioners.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 362**, entitled:

An Act to repeal sections 610.123, RSMo, and section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 422**, entitled:

An Act to authorize the governor to convey property owned by the state in the county of Mississippi to the city of Charleston.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 30, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130 entitled:

AN ACT

To repeal section 286.020, 287.020, 287.040, 287.063, 287.067, 287.110, 287.120, 287.127, 287.128, 287.129, 287.140, 287.143, 287.150, 287.170, 287.190, 287.197, 287.203, 287.215, 287.380, 287.390, 287.420, 287.510, 287.550, 287.610, 287.615, 287.616, 287.642, 287.710, 287.715, 287.800, 287.812, 287.865, 287.894, 287.957, and 287.972, RSMo, and to enact in lieu thereof forty new sections relating to workers' compensation law, with penalty provisions and an effective date for certain sections.

On March 30, 2005, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1 & 130.

Respectfully submitted,
MATT BLUNT
Governor

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 462**; and **SS** for **SCS** for **SB 168**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 592—Ways and Means.

HB 269—Judiciary and Civil and Criminal Jurisprudence.

HB 361—Judiciary and Civil and Criminal Jurisprudence.

HB 564—Transportation.

HB 243—Transportation.

HB 423—Transportation.

HB 431—Transportation.

HB 567—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 119**—Pensions, Veterans' Affairs and General Laws.

HB 343—Economic Development, Tourism and Local Government.

HB 345—Economic Development, Tourism and Local Government.

HB 413—Aging, Families, Mental and Public Health.

HB 445—Economic Development, Tourism and Local Government.

HB 479—Economic Development, Tourism and Local Government.

HB 524—Financial and Governmental Organ-izations and Elections.

HB 69—Financial and Governmental Organ-izations and Elections.

HB 402—Financial and Governmental Organ-izations and Elections.

HB 456—Judiciary and Civil and Criminal Jurisprudence.

HB 486—Judiciary and Civil and Criminal Jurisprudence.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 858, regarding Margaret Oehrke, which was adopted.

Senator Vogel offered Senate Resolution No. 859, regarding Pat Healey, Jefferson City, which was adopted.

Senator Klindt offered Senate Resolution No. 860, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Espey, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 861, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Fred Martin, Jamesport, which was adopted.

Senator Klindt offered Senate Resolution No. 862, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Clyde Bozarth, Pattonsburg, which was adopted.

Senator Cauthorn offered Senate Resolution No. 863, regarding Cindy Blaylock, Louisiana, which was adopted.

Senator Cauthorn offered Senate Resolution No. 864, regarding Mary Nell McFarland, Louisiana, which was adopted.

Senator Cauthorn offered Senate Resolution No. 865, regarding Melanie M. Richter, Mexico, which was adopted.

Senator Griesheimer offered Senate Resolution No. 866, regarding the Ninetieth Birthday of Pearl Pingel, Lonedell, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Purgason introduced to the Senate, members of the Missouri Health Care Association from the 33rd Senatorial district.

Senator Kennedy introduced to the Senate, Diane Balmer and Eric Pauls, Oakville.

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Alan Forker, M.D. and his son, Jeff, Kansas City.

Senator Gibbons introduced to the Senate, Michael and Linda Grzyb and their children, Shawn and Brian, Webster Groves; and Shawn and Brian were made honorary pages.

Senator Gibbons introduced to the Senate, Matt Holdron, Crestwood.

Senator Gibbons introduced to the Senate, members of the Missouri Athletic Trainers Association.

Senator Shields introduced to the Senate, students and faculty from Missouri Western State College, St. Joseph.

Senator Cauthorn introduced to the Senate, Marcia Watson and Gary McElroy, Monroe City.

The President introduced to the Senate, Alveda King and her daughter, Celeste Beal, Atlanta, Georgia.

Senator Gibbons introduced to the Senate, Steven Jackson, St. Louis.

Senator Loudon introduced to the Senate, his daughter, Lyda, Chesterfield; and his brother, Dave, sister-in-law, Chrissy and their children, Sabrina and Leanna, Ballwin; and Lyda and Leanna were made honorary pages.

Senator Kennedy introduced to the Senate, Don and Ryan McNutt, St. Louis; and Chris Kempf and Jim Schuerring.

Senator Cauthorn introduced to the Senate, Kent Blades, Shelbyville; and Ken Keesaman, Osbourne.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIFTH DAY—THURSDAY, MARCH 31, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS#2 for HBs 94 & 185

HCS for HB 365

HB 100-Cunningham, et al

HCS for HB 186

HB 48-Dougherty

HB 114-Johnson (47)

HCS for HB 174

HCS for HB 348
HCS for HB 437
HCS for HB 58
HCS for HB 515
HCS for HB 215
HB 596-Schaaf

HB 638-Cunningham (86)
HB 678-Byrd
HB 43-Wallace
HB 684-Lipke

HB 53-Swinger and Bean
HCS for HB 108
HB 155-Ruestman
HB 236-Goodman
HB 280-Walsh, et al
HB 342-Baker (123)
HCS for HB 362
HCS for HB 422

THIRD READING OF SENATE BILLS

SS for SCS for SB 269-Shields
(In Fiscal Oversight)

SS for SCS for SB 462-Klindt
SS for SCS for SB 168-Dolan

SENATE BILLS FOR PERFECTION

SB 476-Scott
SB 362-Stouffer
SB 343-Bartle, et al
SB 468-Griesheimer, with SCS
SB 316-Dolan, with SCS

SBs 75 & 353-Champion and Wheeler,
with SCS
SB 346-Clemens, with SCS
SB 284-Cauthorn and Clemens,
with SCS

SB 272-Gross, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS

SB 5-Klindt, with SCS

SB 12-Cauthorn and Klindt

SBs 23 & 51-Griesheimer and Kennedy,
with SCS

SB 29-Dolan, with SCS & SA 1 (pending)

SB 50-Taylor and Nodler, with SCS

SBs 74 & 49-Champion, with SCS

SB 95-Coleman

SB 152-Wilson, with SCS

SB 160-Bartle, et al

SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)

SB 232-Loudon, et al

SB 274-Taylor

SB 291-Mayer, et al, with SCS

SB 319-Koster, with SCS (pending)

SB 324-Scott, with SCS

SB 348-Clemens

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/8

SB 68-Shields, with SCS

Reported 3/14

SB 323-Bartle (In Fiscal Oversight)

SB 453-Loudon

SB 431-Callahan

SB 392-Coleman, with SCS

SB 380-Wheeler

SB 372-Engler, et al, with SCS
SB 361-Stouffer

Reported 3/15

SB 464-Vogel
SB 310-Champion, with SCS
SB 355-Griesheimer, et al, with SCS
SB 216-Champion
SB 378-Coleman
SB 534-Bartle
SB 320-Koster
SB 404-Koster
SB 405-Koster

SB 418-Mayer
SBs 420 & 344-Mayer, with SCS
SB 407-Mayer, with SCS
SB 521-Crowell
SB 357-Shields
SB 488-Engler
SB 396-Crowell
SB 390-Taylor, with SCS
SB 354-Griesheimer, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—THURSDAY, MARCH 31, 2005

The Senate met pursuant to adjournment.

Senator Mayer in the Chair.

Reverend Carl Gauck offered the following prayer:

“But shouts of joy and gladness for all who take pleasure in my virtue; give them constant cause to say, ‘Great is Yahweh, who like to see his servant at peace!’” (Psalm 36:27)

Almighty God, we pray that we may always be about that which You desire that our lives may reflect Your virtue in the bills we pass and the way we live our lives. May we be so delighted in each day You give us, some for work, some for fun and some for love, that our hearts may shout for the joy we experience in Your presence and the good we are capable of accomplishing. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle		Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell	
Days		Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross	
Kennedy	Klindt	Koster	Loudon	
Mayer	Nodler	Purgason	Ridgeway	
Scott		Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31	

Absent with leave—
Senator Green—1

Vacancies—2

RESOLUTIONS

Senator Days offered Senate Resolution No. 867, regarding Jeanette Eberlin-Rizzello, Hazelwood, which was adopted.

Senator Stouffer offered Senate Resolution No. 868, regarding Donald E. Alvord, Macon, which was adopted.

Senator Scott offered Senate Resolution No. 869, regarding the memory of Hazel Frances Boomershine Scott, which was adopted.

Senator Champion offered Senate Resolution No. 870, regarding Howard C. Wright, Jr., Springfield, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Scott, **SB 476** was placed on the Informal Calendar.

At the request of Senator Stouffer, **SB 362** was placed on the Informal Calendar.

Senator Bartle moved that **SB 343** be taken up for perfection, which motion prevailed.

Senator Bartle offered **SS** for **SB 343**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 343

An Act to repeal sections 99.960 and 135.284, RSMo, section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof ten new sections relating to job development programs administered by the department of economic development.

Senator Bartle moved that **SS** for **SB 343** be adopted.

Senator Koster assumed the Chair.

At the request of Senator Bartle, **SB 343**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert B. Wylie, as a member of the Missouri Fire Safety Advisory Board;

Also,

Valerie J. White, as a member of the Missouri Women's Council;

Also,

Jerry M. Hunter, as a member of the Regional Convention and Sports Complex Authority;

Also,

Mark A. Fohey, as a member of the Air Conservation Commission;

Also,

Edward S. Stevens, Richard D. Johnson and Kevin C. Sprouse, as members of the Life Sciences Research Committee;

Also,

R. Randolph Beckner, as a member of the Drug Utilization Review Board;

Also,

K. Gary Sherman, as the Director of the Department of Social Services.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 343**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 343** was again taken up.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 343, Page 27, Section 99.960, Line 22, by striking the word “thirteen” and inserting in lieu thereof the word “**eight**”; and further amend said bill, page 40, Section 620.1881 line 22 by striking the word “three” and inserting in lieu thereof the following: “**eight**”; and further amend line 23 by striking the word “seven” and inserting in lieu thereof the word “**two**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 343, Page 34, Section 620.1878, Line 4, by inserting after all of said line the following “**(h) Any company that has been found guilty of or has pleaded guilty to violating any labor, health and safety, or environmentally related laws, whether federal or state, within the last five years;**”

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS** for **SB 343**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SB 343**, as amended, was declared perfected and ordered printed.

COMMUNICATIONS

Senator Shields submitted the following:

March 31, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's FFA Senate Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

FFA Senate Caucus:

Senator Larry Gene Taylor

Senator John Griesheimer

Senator John Cauthorn

Senator Dan Clemens

Senator Rob Mayer

Senator Bill Stouffer

Senator Harry Kennedy

Senator Gary Nodler

Senator David Klindt

Senator Chuck Graham

Senator Bartle assumed the Chair.

THIRD READING OF SENATE BILLS

SB 68, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from state and local sales and use tax.

Was called from the Consent Calendar and taken up.

SCS for **SB 68**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 68

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from state and local sales and use tax.

Was taken up.

Senator Shields moved that **SCS** for **SB 68** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS**

for **SCS** for **SB 269**; **SB 318**; and **SB 323**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 318, introduced by Senator Crowell, entitled:

An Act to repeal sections 36.031, 361.170, and 370.107, RSMo, and to enact in lieu thereof three new sections relating to compensation for financial institution regulators.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 318** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 453, introduced by Senator Loudon, entitled:

An Act to repeal section 82.291, RSMo, and to enact in lieu thereof one new section relating to removal of nuisances, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 453** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.
On motion of Senator Loudon, title to the bill was agreed to.
Senator Loudon moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 431, introduced by Senator Callahan, entitled:
An Act to repeal section 144.518, RSMo, and to enact in lieu thereof two new sections relating to local sales taxes for museum and tourism-related activities, with an emergency clause.
Was called from the Consent Calendar and taken up.
On motion of Senator Callahan, **SB 431** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 392, with **SCS**, introduced by Senator Coleman, entitled:

An Act to authorize the sale of certain state property.

Was called from the Consent Calendar and taken up.

SCS for **SB 392**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 392

An Act to authorize the sale of certain state property, with an emergency clause.

Was taken up.

Senator Coleman moved that **SCS** for **SB 392** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 392** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon

Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 380, introduced by Senator Wheeler, entitled:

An Act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to qualifications of the chief executive officer of the urban public library district.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 380** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 372, with **SCS**, introduced by Senator Engler, et al, entitled:

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 372**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 372

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety.

Was taken up.

Senator Engler moved that **SCS** for **SB 372** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 372** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 361, introduced by Senator Stouffer, entitled:

An Act to repeal section 94.070, RSMo, and to enact in lieu thereof one new section relating to maximum levies for special purposes.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 361** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.
On motion of Senator Stouffer, title to the bill was agreed to.
Senator Stouffer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SB 464, introduced by Senator Vogel, entitled:
An Act to repeal section 217.905, RSMo, and to enact in lieu thereof one new section relating to the Missouri state penitentiary redevelopment commission.
Was called from the Consent Calendar and taken up.
On motion of Senator Vogel, **SB 464** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 310, with **SCS**, introduced by Senator Champion, entitled:

An Act to repeal section 143.265, RSMo, and to enact in lieu thereof one new section relating to withholding of retirement income.

Was called from the Consent Calendar and taken up.

SCS for **SB 310**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 310

An Act to repeal section 143.265, RSMo, and to enact in lieu thereof one new section relating to withholding of retirement income.

Was taken up.

Senator Champion moved that **SCS** for **SB 310** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 310** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields that motion lay on the table, which motion prevailed.

SB 355, with **SCS**, introduced by Senator Griesheimer, et al, entitled:

An Act to repeal section 311.554, RSMo, and to enact in lieu thereof fifteen new sections relating to the Missouri wine and grape board.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

SCS for **SB 355**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 355

An Act to repeal section 311.554, RSMo, and to enact in lieu thereof fifteen new sections relating to the Missouri wine and grape board.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 355** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 355** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 216, introduced by Senator Champion, entitled:

An Act to amend chapter 492, RSMo, by adding thereto one new section relating to depositions of state crime laboratory employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 216** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Champion	Clemens	Coleman	Crowell
Days	Dolan	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 378, introduced by Senator Coleman, entitled:

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 378** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 320, introduced by Senator Koster, entitled:

An Act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators—None

Absent—Senators

Champion
Klindt—2

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 404, introduced by Senator Koster, entitled:

An Act to repeal sections 488.031, 488.445, and 488.607, RSMo, and to enact in lieu thereof four new sections relating to court costs.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 404** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn	
Clemens	Coleman	Crowell	Days	
Dolan		Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy	
Koster	Loudon	Mayer	Nodler	
Purgason	Ridgeway	Scott	Shields	
Stouffer	Taylor	Vogel	Wheeler	

Wilson—29

NAYS—Senators—
None

Absent—Senators

Champion
Klindt—2

Absent with leave—
Senator Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 405, introduced by Senator Koster, entitled:

An Act to repeal sections 494.430 and 494.432, RSMo, and to enact in lieu thereof two new sections relating to jury service.

Was called from the Consent Calendar and taken up.

On motion of Senator Koster, **SB 405** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Clemens	Coleman	Crowell	Days	
Dolan		Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy	
Koster	Loudon	Mayer	Nodler	
Ridgeway	Scott	Shields	Stouffer	
Taylor	Vogel	Wheeler	Wilson—28	

NAYS—Senators—
None

Absent—Senators

Champion	Klindt	Purgason—3
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Absent with leave—
Senator Green—1

Vacancies—2

The President declared the bill passed.
On motion of Senator Koster, title to the bill was agreed to.
Senator Koster moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

SB 418, introduced by Senator Mayer, entitled:
An Act to repeal section 595.045, RSMo, and to enact in lieu thereof one new section relating to crime victims’ compensation fund.

Was called from the Consent Calendar and taken up.
On motion of Senator Mayer, **SB 418** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 420, introduced by Senator Mayer and **SB 344**, introduced by Senator Wheeler, with **SCS**, entitled respectively:

An Act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to serving of summons.

An Act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to service of summons in unlawful detainer actions.

Were called from the Consent Calendar and taken up by Senator Mayer.

SCS for **SBs 420** and **344**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 420 and 344

An Act to repeal section 534.090, RSMo, and to enact in lieu thereof one new section relating to service of summons in unlawful detainer actions.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 420** and **344** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SBs 420** and **344** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 407, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 461.025, RSMo, and to enact in lieu thereof one new section relating to beneficiary deeds.

Was called from the Consent Calendar and taken up.

SCS for **SB 407**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 407

An Act to repeal section 461.005, RSMo, and to enact in lieu thereof one new section relating to beneficiary deeds.

Was taken up.

Senator Mayer moved that **SCS** for **SB 407** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 407** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

Senator Gross assumed the Chair.

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

SB 521, introduced by Senator Crowell, entitled:

An Act to repeal section 26.607, RSMo, and to enact in lieu thereof one new section relating to the powers and duties of the lieutenant governor.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 521** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

Senator Gross assumed the Chair.

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 357, introduced by Senator Shields, entitled:

An Act to repeal sections 86.370, 86.373, 86.374, 86.377, 86.380, 86.383, 86.387, 86.390, 86.393, 86.394, 86.397, 86.398, 86.400, 86.403, 86.407, 86.410, 86.413, 86.417, 86.420, 86.423, 86.427, 86.430, 86.433, 86.434, 86.437, 86.440, 86.441, 86.442, 86.443, 86.445, 86.447, 86.450, 86.453, 86.457, 86.460, 86.463, 86.467, 86.470, 86.473, 86.477, 86.480, 86.483, 86.487, 86.490, 86.493, 86.497, 86.600, 86.610, 86.611, 86.620, 86.630, 86.640, 86.650, 86.660, 86.665, 86.670, 86.671, 86.672, 86.675, 86.676, 86.680, 86.690, 86.700, 86.710, 86.720, 86.730, 86.740,

86.745, 86.750, 86.760, 86.770, 86.780, and 86.790, RSMo, and to enact in lieu thereof seventy-three new sections relating to Kansas City police retirement.

Was called from the Consent Calendar and taken up.

Under the provisions of **SR 91**, Senator Wilson requested to be excused from voting, which request was granted.

On motion of Senator Shields, **SB 357** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler—27	

NAYS—Senator Ridgeway—1

Absent—Senators

Champion	Dolan—2
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Absent with leave—Senator
Green—1

Excused from voting—Senator
Wilson—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 488, introduced by Senator Engler, entitled:

An Act to repeal sections 301.020 and 301.190, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle registration, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 488** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 396, introduced by Senator Crowell, entitled:

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to aviation.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 396** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 390, with **SCS**, introduced by Senator Taylor, entitled:

An Act to repeal section 301.567, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

Was called from the Consent Calendar and taken up.

SCS for **SB 390**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 390

An Act to repeal section 301.567, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

Was taken up.

Senator Taylor moved that **SCS** for **SB 390** be adopted, which motion prevailed.

On motion of Senator Taylor, **SCS** for **SB 390** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn	
Clemens	Coleman	Crowell	Days	
Dolan		Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy	
Klindt	Koster	Loudon	Mayer	
Nodler	Purgason	Ridgeway	Scott	
Shields	Stouffer	Taylor	Vogel	
Wheeler	Wilson—30			

NAYS—Senators—
None

Absent—Senator
Champion—1

Absent with leave—
Senator Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 354, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to state enforcement of certain federal orders prohibiting the operation of commercial motor vehicles.

Was called from the Consent Calendar and taken up.

SCS for **SB 354**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 354

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to state enforcement of certain federal orders prohibiting the operation of commercial motor vehicles.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 354** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 354** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 323, introduced by Senator Bartle, entitled:

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to umbilical cord blood banks.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 323** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 534, introduced by Senator Bartle, entitled:

An Act to repeal section 479.230, RSMo, and to enact in lieu thereof one new section relating to absent municipal judges.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 534** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 448**, entitled:

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to pay for police officers, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 453**, entitled:

An Act to authorize the governor to convey property owned by the state in the county of Phelps.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 462** and **463**, entitled:

An Act to repeal sections 537.037 and 630.140, RSMo, and to enact in lieu thereof four new sections relating to suicide prevention.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 531**, entitled:

An Act to authorize the governor to convey property owned by the state in Greene County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 618**, entitled:

An Act to repeal section 43.050, RSMo, and to enact in lieu thereof one new section relating to exemptions to highway patrol personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 487**, entitled:

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to emergency vehicles, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 513**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 631**, entitled:

An Act to authorize the conveyance of property owned by the state in St. Louis County to the Manchester United Methodist Church, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 33**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to state emblems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 180**, entitled:

An Act to repeal sections 86.387 and 86.630, RSMo, and to enact in lieu thereof two new sections relating to police military leave.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 219**, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the naming of a room at the Missouri state archives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 258**, entitled:

An Act to repeal sections 162.695, 162.990, 162.995, 163.083, and 189.085, RSMo, and to enact in lieu thereof two new sections relating to school district census requirements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 260**, entitled:

An Act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 397**, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to license plates for disabled persons, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 261**, entitled:

An Act to repeal section 70.655, RSMo, and to enact in lieu thereof one new section relating to local government employee retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 321**, entitled:

An Act to repeal section 191.859, RSMo, and to enact in lieu thereof two new sections relating to the advisory assistive technology council.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 323**, entitled:

An Act to repeal sections 86.370, 86.373, 86.374, 86.377, 86.380, 86.383, 86.387, 86.390, 86.393, 86.394, 86.397, 86.398, 86.400, 86.403, 86.407, 86.410, 86.413, 86.417, 86.420, 86.423, 86.427, 86.430, 86.433, 86.434, 86.437, 86.440, 86.441, 86.442, 86.443, 86.445, 86.447, 86.450, 86.453, 86.457, 86.460, 86.463, 86.467, 86.470, 86.473,

86.477, 86.480, 86.483, 86.487, 86.490, 86.493, 86.497, 86.600, 86.610, 86.611, 86.620, 86.630, 86.640, 86.650, 86.660, 86.665, 86.670, 86.671, 86.672, 86.675, 86.676, 86.680, 86.690, 86.700, 86.710, 86.720, 86.730, 86.740, 86.745, 86.750, 86.760, 86.770, 86.780 and 86.790, RSMo, and to enact in lieu thereof seventy-three new sections relating to Kansas City police retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 334**, entitled:

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof twenty-nine new sections relating to state employee retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 395**, entitled:

An Act to repeal section 247.085, RSMo, and to enact in lieu thereof one new section relating to water supply districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 443**, entitled:

An Act to repeal sections 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.140, 169.555, 169.560, 169.561, 169.569, 169.600, 169.610, 169.620, 169.630, 169.650, 169.655, 169.670, 169.673, and 169.712, RSMo, and to enact in lieu thereof twenty-two new sections relating to public school retirement, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 455**, entitled:

An Act to repeal section 278.240, RSMo, and to enact in lieu thereof one new section relating to watershed districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 473**, entitled:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to pupil residency waiver requests, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 528**, entitled:

An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating to motor fuel tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 563**, entitled:

An Act to repeal section 246.005, RSMo, and to enact in lieu thereof one new section relating to drainage and levee districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 577**, entitled:

An Act to repeal sections 105.454 and 105.458, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by certain public officials and employees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 606**, entitled:

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 630**, entitled:

An Act to repeal sections 355.716 and 355.871, RSMo, and to enact in lieu thereof two new sections relating to not-for-profit corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 681**, entitled:

An Act to repeal sections 660.620 and 660.625, RSMo, and to enact in lieu thereof two new sections relating to the office of advocacy and assistance for the elderly.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 688**, entitled:

An Act to repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating to judicial

procedures.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 208**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil actions for damages.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 871, regarding Philip T. Abernathy, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 872, regarding Richard P. Davis, Jr., St. Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 29, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Second State Capitol Commission

Dear Terry:

Pursuant to Section 8.03 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Second State Capitol Commission:

Senator Gary Nodler

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

March 29, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Assistive Technology Council

Dear Terry:

Pursuant to Section 191.865 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Missouri Assistive Technology Council:

Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Mr. and Mrs. Doug Holcomb and their children, Joshua, Christiana and

Rachel, Strafford; and the children were made honorary pages.

Senator Stouffer introduced to the Senate, students from Prairie Home Elementary School.

Senator Graham introduced to the Senate, Joe Miller, Annette Bealmear, Mike Bender, John Bucksath, Melissa Chamberlain, Jon Dalton, Shelly DeVore, Chris Diehls, Heather Dimitt, Tom Dugan, Lisa Fischer, Bill Fretwell, Brian Gerau, Kelly Gilbert, Jared Hassman, Amy Henderson, Catherine Hicks, Doug Look, Mandy Mazuch, Megan McGuire, Jayson Meyer, Kendall Moseley, Betty Pauley, Rob Quinn, Jim Sharrock, Stayce Smith, Tom Stone, Steve Tatlow, Gary Taylor and Tish Thomas, members of Leadership Columbia.

Senator Klindt introduced to the Senate, Jessica Schmitz and Jennifer Gast, representatives of Farm Bureau Leadership, Nodaway County.

Senator Cauthorn introduced to the Senate, Daniel Steele, Amy McCormack, Lauren Houf, Kane Young and Joseph Carter, representatives of Farm Bureau Leadership, Unionville.

Senator Purgason introduced to the Senate, Marcy Collins, Kayla Head and Rachel Harris, representatives of Farm Bureau Leadership, Howell County.

Senator Graham introduced to the Senate, Glenn Brown, Centralia; and Chelsea Wren and Rachel Hamlett, representatives of Farm Bureau Leadership, Ashland.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Kathrine Jahnige Mathews, MD, MPH, St. Louis.

Senator Koster introduced to the Senate, Justin Moen, Rachele Slattery and Sandra Smith, representatives of Farm Bureau Leadership, Warrensburg.

Senator Koster introduced to the Senate, Nola Fischer, Brad Arnold, Preston Wainscott, and Jamie Burch, representatives of Farm Bureau Leadership, Bates County.

Senator Clemens introduced to the Senate, representatives of Farm Bureau Leadership from Webster and Douglas Counties; and Rick Haffman, Gary Don Leffe and David Emerson were made honorary pages.

Senator Stouffer introduced to the Senate, David Henry, Tyler Hall and Betty Dewitt, representatives of Farm Bureau Leadership, Macon County.

Senator Loudon introduced to the Senate, Corrie Dunn and Kelly Farrell, Ballwin; and Corrie and Kelly were made honorary pages.

Senator Scott introduced to the Senate, Polina Popova, Russia; and Patty Boehler, Whitney Wallace, Heather Hublow, Zane Watson, Jacob Church and Stephanie Engeman, representatives of Farm Bureau Leadership, Henry County.

Senator Scott introduced to the Senate, Heather Bryant, Diedra Dieckman and John King, representatives of Farm Bureau Leadership, Benton County.

Senator Scott introduced to the Senate, Terri Winkler and Whitney Paul, representatives of Farm Bureau Leadership, Buffalo.

Senator Scott introduced to the Senate, Rusty and Matt Kaws and Trent Ream, representatives of Farm Bureau Leadership, Pettis County.

Senator Purgason introduced to the Senate, Wendy Warren, Jessica Mitchener and Caitlyn Melton, representatives of Farm Bureau Leadership, Oregon County.

Senator Klindt introduced to the Senate, Vance Proffitt, Ben Rex, Lauren McKinny Trisha Bohle and Mark Reek, representatives of Farm Bureau Leadership, Sullivan County.

Senator Shields introduced to the Senate, fourth grade students from Hosea Elementary School, St. Joseph.

Senator Klindt introduced to the Senate, Laura Roberts, Caleb Vadnais, Tisha Nibarger, Amanda Griffith, Monica Acosta and R.B. Quinn, representatives of Farm Bureau Leadership, Livingston County.

Senator Stouffer introduced to the Senate, Craig Meissen, Heather Bixenman, Ceanne Kressig, Amanda Bartholomew, Michael Manson and Jeff Naylor, representatives of Farm Bureau Leadership, Chariton County.

Senator Champion introduced to the Senate, Ronald L. Mark, EA, ABA, ATA, Springfield.

Senator Taylor introduced to the Senate, Boyd Arthur, Jim McCann, Katelyn Haymes, Lanese Witt/Schulte, Heather Deaver, Kaycey Fletcher and Teresa Welters, representatives of Farm Bureau Leadership, Lawrence County.

Senator Nodler introduced to the Senate, Carl and Kayla Bastin, Bethany Flenniken and Carrie McDowell,

representatives of Farm Bureau Leadership, Jasper County.

Senator Purgason introduced to the Senate, Glenn and Justin Raef, Jeff Jenkins, Daniel Allen and Andy Hicks, representatives of Farm Bureau Leadership, Laclede County.

Senator Klindt introduced to the Senate, Anthony Guerriero, Cory Canthon, Jenny McClain, Taylor Hibler, Brittney Adkison, Dean Or and Dale Schmidt, representatives of Farm Bureau Leadership, Caldwell County.

Senator Klindt introduced to the Senate, Lindy Holt, Elizabeth Mendenhall, Tim Gorden and Zeke Barnett, representatives of Farm Bureau Leadership, Holt County.

Senator Klindt introduced to the Senate, Fred Boland, Adriane Hoffman, Cassie Murphy and Ashten Witten, representatives of Farm Bureau Leadership, Grundy County.

Senator Mayer introduced to the Senate, Mike and Frank Smody, Justin Daves, Kris Campbell, Tom and Katie Jennings and Trey Stone, representatives of Farm Bureau Leadership, Butler County.

Senator Stouffer introduced to the Senate, Jaime Williams, Chris and Kelley Rohlfing, Cheyenne Wells, Brittany Asbury, Nickie Frye, Daniel Gapeyev, Mindy Vukadin, Jessica Innes and Michael Carothers, representatives of Farm Bureau Leadership, Howard County.

Senator Stouffer introduced to the Senate, Kaely Hofstetter, Sara Wright, Holly Bellis, Bret Lyon, Todd Henrich and Loren Stark, representatives of Farm Bureau Leadership, Carroll County.

Senator Cauthorn introduced to the Senate, Rhett Hunizeker and Maichele Munslinger, representatives of Farm Bureau Leadership, Edina.

Senator Ridgeway introduced to the Senate, Ben Angar, Josh Petty, Kyle Sander, Kelci Crawford, Shannon Walden, Brandon Neil and Johnny Viebrock, representatives of Farm Bureau Leadership, Smithville.

Senator Engler introduced to the Senate, his wife, Chris, and their son, Andrew, and Rhonda Byers, Steve Berry, Angie Farley and fourth grade students from Washington Franklin Elementary School, Farmington.

On behalf of Senator Koster, the President introduced to the Senate, Katlyn Logan, Samantha Castlebury, Shane Hanson, Tanner O'Dell, Jared McPeak and Cody Claflin, representatives of Farm

Bureau Leadership, Vernon County.

Senator Cauthorn introduced to the Senate, Allison Wilson, Ryan Robrey, Sarah Welschmeyer, Josh Fairchild, Clay Becker, Scott and Janis Deimeke and Barb Wilson, representatives of Farm Bureau Leadership, Audrain County.

Senator Stouffer introduced to the Senate, fourth grade students from La Plata Elementary School.

Senator Klindt introduced to the Senate, twenty-two seventh and eighth grade students from St. Gregory's School, Maryville.

Senator Ridgeway introduced to the Senate, Bob and Cindy Sevier, their children Mitchell and Madeleine, and Susan Jones, Liberty.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, April 4, 2005.SENATE
CALENDAR

FORTY-SIXTH DAY-MONDAY, APRIL 4, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS#2 for HBs 94 & 185

HCS for HB 365

HB 100-Cunningham, et al

HCS for HB 186

HB 48-Dougherty

HB 114-Johnson (47)
HCS for HB 174
HCS for HB 348
HCS for HB 437
HCS for HB 58
HCS for HB 515
HCS for HB 215
HB 596-Schaaf
HB 638-Cunningham (86)
HB 678-Byrd
HB 43-Wallace
HB 684-Lipke
HB 53-Swinger and Bean
HCS for HB 108
HB 155-Ruestman
HB 236-Goodman
HB 280-Walsh, et al

HB 342-Baker (123)
HCS for HB 362
HCS for HB 422
HCS for HB 448
HB 453-May, et al
HCS for HBs 462 & 463
HCS for HB 531
HB 618-Bearden, et al
HB 487-Bruns and Deeken
HCS for HB 513
HCS for HB 631
HB 33-Phillips
HB 180-Johnson (47), et al
HB 219-Salva and Johnson (47)
HB 258-Cunningham (86)
HB 260-Deeken
HB 397-Henke, et al
HB 261-Deeken

HB 321-Yates
HB 323-Johnson (47)
HCS for HB 334
HB 395-Wood
HCS for HB 443
HB 455-Quinn, et al
HB 473-Yates
HB 528-Cunningham (145)
HCS for HB 563
HCS for HB 577
HCS for HB 606

HCS for HB 630
HB 681-Chappelle-Nadal
HB 688-Byrd, et al
HCS for HB 208

THIRD READING OF SENATE BILLS

SS for SCS for SB 269-Shields
SS for SCS for SB 462-Klindt

SS for SCS for SB 168-Dolan

SENATE BILLS FOR PERFECTION

SB 468-Griesheimer, with SCS
SB 316-Dolan, with SCS
SBs 75 & 353-Champion and Wheeler,
with SCS

SB 346-Clemens, with SCS
SB 284-Cauthorn and Clemens,
with SCS
SB 272-Gross, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 12-Cauthorn and Klindt
SBs 23 & 51-Griesheimer and Kennedy,
with SCS
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS

SBs 74 & 49-Champion, with SCS
SB 95-Coleman
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 232-Loudon, et al
SB 274-Taylor
SB 291-Mayer, et al, with SCS

SB 319-Koster, with SCS (pending)
SB 324-Scott, with SCS
SB 348-Clemens
SB 362-Stouffer
SB 476-Scott

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY—MONDAY, APRIL 4, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“My help comes from the Lord, who made heaven and earth.” (Psalm 121:2)

Heavenly Father, You are an ever-present help, full of grace and love for Your children. We pray that You will be especially close to our Roman Catholic brothers and sisters who mourn the death of the Pope, and sustain them as they remember and seek a new spiritual leader to guide them through some difficult times ahead. And be with us as we may face some difficult days ahead as we discern the budget needs of this state and the programs that assist Your people to do the work with and for those You call to our attention. Provide us with wisdom and comfort. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 31, 2005 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle		Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell	
Days		Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer	
Gross		Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason	
Ridgeway	Scott	Shields	Stouffer	
Taylor	Vogel	Wheeler	Wilson—32	

Absent with leave—
Senators—None

Vacancies—2

RESOLUTIONS

Senator Bray offered Senate Resolution No. 873, regarding MHXX: Celebrating 20 Years of Maryland Heights, which was adopted.

Senator Stouffer offered Senate Resolution No. 874, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harvey Sassmann, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 875, regarding the Marshall Public Library, which was adopted.

Senator Stouffer offered Senate Resolution No. 876, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Darold Erdman, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 877, regarding the birth of Jaykub Roberts, Malta Bend, which was adopted.

Senator Stouffer offered Senate Resolution No. 878, regarding the birth of Tucker David Lee Gerling, Blackwater, which was adopted.

Senator Stouffer offered Senate Resolution No. 879, regarding Mr. and Mrs. Juan Larrea, which was adopted.

Senator Crowell offered Senate Resolution No. 880, regarding the birth of William Wallis Sides, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 881, regarding Anita Meinz, which was adopted.

Senator Crowell offered Senate Resolution No. 882, regarding Grace V. Hoover, which was adopted.

Senator Crowell offered Senate Resolution No. 883, regarding Dr. Linda Godwin, which was adopted.

Senator Crowell offered Senate Resolution No. 884, regarding Ilena Aslin, which was adopted.

Senator Crowell offered Senate Resolution No. 885, regarding Rachel Lowes, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 886, regarding Katie Grieshop, Jackson, which was adopted.

Senator Nodler offered Senate Resolution No. 887, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thurman Hilton, Granby, which was adopted.

Senator Coleman offered Senate Resolution No. 888, regarding Anna Werner, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 889, regarding Angela Krausz, House Springs, which was adopted.

Senator Coleman offered Senate Resolution No. 890, regarding Ashley Renee Cook-McGarrahan, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 891, regarding Kendra Marie Shinn, Eureka, which was adopted.

Senator Coleman offered Senate Resolution No. 892, regarding Kelsey Consiglio, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 893, regarding Ashley Danielle Davis, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 894, regarding Colleen Lefholz, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 895, regarding Michelle Ogden, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 896, regarding Rachel Breland, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 897, regarding Katherine M. Mannen, Chesterfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 898, regarding the birth of Jessie Kay Hartline, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 899, regarding the birth of Matthew Joseph Bell-Ross, Hardin, which was adopted.

Senator Stouffer offered Senate Resolution No. 900, regarding the birth of Brooklyn Grace Gooding, Macon, which was adopted.

Senators Mayer, Dolan, Griesheimer, Scott, Clemens, Taylor, Gross, Cauthorn, Loudon, Purgason, Engler, Stouffer, Vogel and Ridgeway offered the following resolution:

SENATE RESOLUTION NO. 901

WHEREAS, Amendment I of the United States Constitution, which provides in part that “Congress shall make no law respecting an establishment of religion...” is a specific and unequivocal instruction to only the United States Congress; and

WHEREAS, the United States Constitution makes no restriction on the ability of states to acknowledge God, the Supreme Ruler of the Universe; and

WHEREAS, Amendment X of the United States Constitution, which provides that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”, reserved the right of the acknowledgment of God to the states and the people; and

WHEREAS, the Preamble to the Missouri Constitution, which provides that “We the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this constitution for the better government of the state”, is within the boundaries of rights reserved to the states by the United States Constitution; and

WHEREAS, the Federal Judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

WHEREAS, the Federal Judiciary has created confusion between Amendment I and Amendment X of the United States Constitution, and has consistently misapplied Amendment 14, usurping the rights of the states and the people; and

WHEREAS, Article VI of the United States Constitution requires that each member of the United States Congress and each member of the several state legislatures be bound by oath or affirmation to “support this constitution”; and

WHEREAS, among the seminal principles of our constitutional republic is the premise that each branch of government will be a “check” upon the others; and

WHEREAS, the United States Congress is charged with the solemn responsibility to cause the Federal Judiciary to refrain from interfering with the acknowledgment of God by any local, state, or Federal official by any constitutional means at its' disposal, including limiting the jurisdiction of the Federal courts in such matters; and

WHEREAS, Article III, Section 2 of the United States Constitution, provides in part that “the.... court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make”; and

WHEREAS, there is pending before the 1st Session of the 109th Congress the Constitution Restoration Act of 2005, which will limit the jurisdiction of the Federal courts and preserve the right to acknowledge God, exercised by the state of Missouri in its Preamble to the Missouri Constitution, to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, hereby urge the United States Congress to adopt forthwith HR1070 and S520, the Constitution Restoration Act of 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, the Chair of the United States Senate Judiciary Committee, the Chair of the United States House of Representatives Judiciary Committee, and each member of the Missouri Congressional delegation.

SECOND READING OF HOUSE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS#2 for HBs 94 and 185—Pensions, Veterans’ Affairs and General Laws.

HB 100—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 186—Ways and Means.

HB 48—Economic Development, Tourism and Local Government.

HB 114—Economic Development, Tourism and Local Government.

HCS for HB 174—Financial and Govern-mental Organizations and Elections.

HCS for HB 348—Pensions, Veterans’ Affairs and General Laws.

HCS for HB 437—Pensions, Veterans’ Affairs and General Laws.

HCS for HB 58—Economic Development, Tourism and Local Government.

HCS for HB 515—Economic Development, Tourism and Local Government.

HCS for HB 215—Economic Development, Tourism and Local Government.

HB 596—Aging, Families, Mental and Public Health.

HB 638—Economic Development, Tourism and Local Government.

HB 678—Financial and Governmental Organ-izations and Elections.

HB 43—Transportation.

HB 684—Judiciary and Civil and Criminal Jurisprudence.

HB 53—Transportation.

HCS for HB 108—Small Business, Insurance and Industrial Relations.

HB 155—Transportation.

HB 236—Pensions, Veterans’ Affairs and General Laws.

HB 280—Financial and Governmental Organ-izations and Elections.

HB 342—Financial and Governmental Organ-izations and Elections.

HCS for HB 362—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 422—Economic Development, Tourism and Local Government.

HCS for HB 448—Economic Development, Tourism and Local Government.

HB 453—Economic Development, Tourism and Local Government.

HCS for HBs 462 and 463—Aging, Families, Mental and Public Health.

HCS for HB 531—Economic Development, Tourism and Local Government.

HB 618—Transportation.

HB 487—Transportation.

HCS for HB 513—Transportation.

HCS for HB 631—Economic Development, Tourism and Local Government.

HB 33—Agriculture, Conservation, Parks and Natural Resources.

HB 180—Pensions, Veterans’ Affairs and General Laws.

HB 219—Pensions, Veterans’ Affairs and General Laws.

HB 258—Education.

HB 260—Economic Development, Tourism and Local Government.

HB 397—Transportation.

HB 261—Pensions, Veterans’ Affairs and General Laws.

HB 321—Ways and Means.

HB 323—Pensions, Veterans’ Affairs and General Laws.

HCS for HB 334—Pensions, Veterans’ Affairs and General Laws.

HB 395—Economic Development, Tourism and Local Government.

HCS for HB 443—Education.

HB 455—Agriculture, Conservation, Parks and Natural Resources.

HB 473—Education.

HB 528—Transportation.

HCS for HB 563—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 577—Economic Development, Tourism and Local Government.

HCS for HB 606—Pensions, Veterans' Affairs and General Laws.

HCS for HB 630—Judiciary and Civil and Criminal Jurisprudence.

HB 681—Aging, Families, Mental and Public Health.

HB 688—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 208—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 365—Pensions, Veterans' Affairs and General Laws.

Senator Bartle assumed the Chair.

RE-REFERRALS

President Pro Tem Gibbons re-referred **HB 69** to the Committee on Small Business, Insurance and Industrial Relations.

President Pro Tem Gibbons re-referred **HB 431** to the Committee on Economic Development, Tourism and Local Government.

The Senate observed a moment of prayer in memory of Pope John Paul II.

SENATE BILLS FOR PERFECTION

Senator Koster moved that **SB 319**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SB 319 was again taken up.

Senator Koster moved that **SCS for SB 319** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS for SB 319** was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 23** and **SB 51**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SBs 23 and 51, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 23 and 51

An Act to repeal sections 570.255 and 570.300, RSMo, and to enact in lieu thereof three new sections relating to criminal offenses concerning entertainment, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS for SBs 23 and 51** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS for SBs 23 and 51** was declared perfected and ordered printed.

Senator Taylor moved that **SB 274** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Taylor, **SB 274** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SS for SCS for SB 269, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 269

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and

entertainer tax.

Was taken up.

Senator Gross assumed the Chair.

Senator Clemens assumed the Chair.

Senator Shields moved that **SS** for **SCS** for **SB 269** be read the 3rd time and passed.

At the request of Senator Shields, **SS** for **SCS** for **SB 269** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 343**; and **SCS** for **SB 319**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2** for **HB 232**, entitled:

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient health care records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 600**, entitled:

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for professional counselors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 450**, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to wine. In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 685**, entitled:

An Act to authorize the board of governors of Southwest Missouri State University to convey property in Howell County, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 743**, entitled:

An Act to authorize the conveyance of property owned by the state in Madison County to the United States for national forest purposes.

In which the concurrence of the Senate is respectfully requested.
Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 1, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sandra K. Branson, 2509 Jennifer Drive, Jefferson City, Cole County, Missouri 65101, as Director of the Division of Credit Unions, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, John P. Smith, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Toni R. Smith to the State Board of Registration for the Health Arts, submitted on March 24, 2005. Line 4 should be amended as follows:

“successor is duly appointed and qualified; vice, Doug J. Fitzwater, withdrawn.”

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Daniel Scodary, M.D. to the State Board of Registration for the Healing Arts, submitted on March 30, 2005. Line 4 and 5 should be amended as follows:

“and until his successor is duly appointed and qualified; vice, Jacquelyn Garrett, term expired”

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointment and addendums to the Committee on Gubernatorial Appointments.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

March 31, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on March 30, 2005 for your advice and consent:

Matthew A. Hughes, 30 Park Street, Farmington, Saint Francois County, Missouri 63640, as a member of the Governor's Council on Disability, for a term ending October 1, 2008, and until his successor is duly appointed and qualified; vice, David Terrell, term expired.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor per his request, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 343** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 902, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Phillip Sinclair, which was adopted.

Senator Crowell offered Senate Resolution No. 903, regarding Dr. Betty Chong, which was adopted.

Senator Crowell offered Senate Resolution No. 904, regarding the Notre Dame Boys Basketball Team, which was adopted.

Senator Ridgeway offered Senate Resolution No. 905, regarding Trey Newberry, Gallatin, which was adopted.

Senator Ridgeway offered Senate Resolution No. 906, regarding Daniel Albert "Danny" Shanaberger, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 907, regarding Andrew D. Longres, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 908, regarding Michael Keith Logan, Liberty, which was adopted.

Senator Loudon offered Senate Resolution No. 909, regarding Matthew Inkman, Ballwin, which was adopted.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

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FORTY-SEVENTH DAY—TUESDAY, APRIL 5, 2005

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS#2 for HB 232

HB 600-Cooper (155), et al

HB 450-Meiners

HB 685-Franz

HB 743-Kingery, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 462-Klindt
SS for SCS for SB 168-Dolan

SS for SB 343-Bartle (In Fiscal Oversight)
SCS for SB 319-Koster

SENATE BILLS FOR PERFECTION

SB 468-Griesheimer, with SCS
SB 316-Dolan, with SCS
SBs 75 & 353-Champion and Wheeler,
with SCS

SB 346-Clemens, with SCS
SB 284-Cauthorn and Clemens,
with SCS
SB 272-Gross, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 269-Shields

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SBs 74 & 49-Champion, with SCS
SB 95-Coleman
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 185-Loudon, et al, with SA 1 (pending)
SB 225-Cauthorn, with SCS & SS#2 for SCS
(pending)

SB 232-Loudon, et al

SB 291-Mayer, et al, with SCS
SB 324-Scott, with SCS
SB 348-Clemens
SB 362-Stouffer
SB 476-Scott

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 14, with SCS, as amended
(Gross)

RESOLUTIONS

To be Referred

SR 901-Mayer, et al

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—TUESDAY, APRIL 5, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“One with the law is a majority” Calvin Coolidge

Gracious God, help us to never underestimate the little things in life, for You use them, even to confound the wise. Help us be faithful to the little things of life for they have tremendous power. Help us to see that You can use the smallest among us to be of great service to the people of Missouri. And help us to provide laws that give power to the littlest so as to accomplish great things. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

Absent with leave—Senator
Koster—1

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 910, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Delmar Day, Bevier, which was adopted.

Senator Coleman offered Senate Resolution No. 911, regarding Jamie M. Burnett, Arnold, which was adopted.

Senator Bartle offered Senate Resolution No. 912, regarding Mary Ann Hall, which was adopted.

Senator Bartle offered Senate Resolution No. 913, regarding the Seventh Grade Team from Grain Valley Middle School, which was adopted.

Senator Purgason offered Senate Resolution No. 914, regarding the death of Phillip “Phil” S. Huffman, Hartville, which was adopted.

Senator Shields offered Senate Resolution No. 915, regarding Dr. Gayden Carruth, Parkville, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 462**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 462

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

Was taken up.

On motion of Senator Klindt, **SS** for **SCS** for **SB 462** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Taylor	Vogel	Wilson—27	

NAYS—Senator Ridgeway—1

Absent—Senator Graham—1

Absent with leave—Senators

Koster	Stouffer	Wheeler—3
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The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 168**, introduced by Senator Dolan, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 168

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction, with an effective date for a certain section.

Was taken up.

On motion of Senator Dolan, **SS** for **SCS** for **SB 168** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Taylor	Vogel	Wilson—27	

NAYS—Senators

Bray Green—2

Absent—Senators—None

Absent with leave—Senators

Koster Stouffer Wheeler—3

Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 468**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 468

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 468** be adopted.

Senator Days offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 468, Page 30, Section 204.674, Line 2, by inserting after the word "204.472" the following: "**or to any city not within a county and any county with a charter form of government and with more than one million inhabitants**".

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SCS** for **SB 468**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 468**, as amended, was declared perfected and ordered printed.

Senator Dolan moved that **SB 316**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 316**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 316

An Act to repeal sections 192.665, 192.667, 197.121, 197.200, 197.205, 197.210, 197.215, 197.220, 197.225, 197.230, and 197.235, RSMo, and to enact in lieu thereof eighteen new sections relating to health care providers, with a penalty provision.

Was taken up.

Senator Dolan moved that **SCS** for **SB 316** be adopted.

At the request of Senator Dolan, **SB 316**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Champion moved that **SB 75** and **SB 353**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 75** and **353**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 75 and 353

An Act to repeal section 208.574, RSMo, and to enact in lieu thereof one new section relating to senior prescription drug coverage, with a termination date for a certain section.

Was taken up.

Senator Champion moved that **SCS** for **SBs 75** and **353** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SBs 75** and **353** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS No. 2 for **HB 232**—Aging, Families, Mental and Public Health.

HB 600—Financial and Governmental Organ-izations and Elections.

HB 450—Economic Development, Tourism and Local Government.

HB 685—Economic Development, Tourism and Local Government.

HB 743—Economic Development, Tourism and Local Government.

REFERRALS

President Pro Tem Gibbons referred **SR 901** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the

following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 23** and **51**; and **SB 274**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Crowell.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 346**, with **SCS**, be taken up for perfection, which motion prevailed.
SCS for **SB 346**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 346

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.
Was taken up.

Senator Clemens moved that **SCS** for **SB 346** be adopted.

Senator Clemens offered **SS** for **SCS** for **SB 346**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 346

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to immunity for inherently dangerous recreational activities.

President Kinder assumed the Chair.

Senator Crowell assumed the Chair.

Senator Clemens moved that **SS** for **SCS** for **SB 346** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **SB 346** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James A. Divincen, 6711 Saint Tropez Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Tourism Commission, for a term ending January 15, 2009 and until his successor is duly appointed and qualified; vice, Consuela Washington, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter D. Kinder, 635 Northwest End Boulevard, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until his successor is duly appointed and qualified; vice, Joseph E. Maxwell, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
March 31, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sharad P. Parikh, M.D., 11634 West Florissant Avenue, Florissant, Saint Louis County, Missouri 63033, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Jacquelyn Garrett, term expired.

Respectfully submitted,
MATT BLUNT
Governor

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 707**, entitled:

An Act to repeal sections 361.070, 361.080, 361.262, 361.365, 362.042, 362.107, 362.170, 362.210, 362.213, 362.215, 362.217, 362.225, 362.300, 362.305, 362.310, 362.315, 362.520, and 362.600, RSMo, and to enact in lieu thereof twelve new sections relating to banking, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 14**, as amended and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 14**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 14**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, with Senate Amendment 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ ChuckGross

/s/ Brad Lager

/s/ Gary Nodler

/s/ Allen Icet

/s/ Norma Champion

/s/ Mike Sutherland

/s/ Pat Dougherty

/s/ Wes Shoemyer

/s/ Joan Bray

/s/ Paul Levota

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Koster—1

Vacancies—2

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 14**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2005.

Was read the 3rd time and finally passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Koster—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 291**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 291**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 291

An Act to repeal sections 290.210, 290.230, 290.250, 290.262, 290.290, 290.300, 290.305, and 290.335, RSMo, and to enact in lieu thereof nine new sections relating to public contracts.

Was taken up.

Senator Mayer moved that **SCS** for **SB 291** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 291**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 291

An Act to repeal sections 290.210, 290.230, 290.250, 290.262, 290.290, 290.300, 290.305, and 290.335, RSMo, and to enact in lieu thereof nine new sections relating to public contracts.

Senator Mayer moved that **SS** for **SCS** for **SB 291** be adopted.

Senator Shields assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Mayer, **SB 291**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 468**; **SCS** for **SBs 75** and **353**; and **SS** for **SCS** for **SB 346**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 916, regarding Rick Hamby, which was adopted.

Senator Purgason offered Senate Resolution No. 917, regarding the Eightieth Birthday of Bettye Hayes, Houston, which was adopted.

Senator Crowell offered Senate Resolution No. 918, regarding the 2004-2005 Saint Vincent Senior High School Basketball Program, which was adopted.

Senator Crowell offered Senate Resolution No. 919, regarding the 2004-2005 Charleston High School Boys Basketball Team, which was adopted.

Senator Koster offered Senate Resolution No. 920, regarding the Sixty-fourth Birthday of Patricia Koster Thompson, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Ashley Bright, Blue Springs; and Ashley was made an honorary page.

Senator Bray introduced to the Senate, Sarah Tait, Laura Bleeke and Dr. Teresa Deshields, Clayton; and Sarah and Laura were made honorary pages.

Senator Taylor introduced to the Senate, David and Beth Stefan and their children, Sashanna, Kaelee, Kelton, Dainec, Tawner, Stang, and Tarna, Taneyville; and Dainec and Tawner were made honorary pages.

Senator Kennedy introduced to the Senate, members of the Missouri Credit Union Association from around the state.

Senator Scott introduced to the Senate, Brenda Peach and fourth grade students from El Dorado Springs Christian School.

Senator Dolan introduced to the Senate, Markus Albers, Daniel Fels, Christian Eggen, and Dietmar Otten, Meppen, Germany; and Chad Eggen and Janette Mehmert, Jefferson City.

Senator Mayer introduced to the Senate, Kirk Monday and Diane Powell, Poplar Bluff.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Gibbons introduced to the Senate, forty-two students and parents from the University of Missouri campuses around the state.

Senator Nodler introduced to the Senate, Glen and Sharon Garrett and Ann Hall, Purdy.

Senator Graham introduced to the Senate, Ian Roth, Steve Goffman and Steve Sternberg, students from the University of Missouri, Columbia.

Senator Bray introduced to the Senate, Dr. Tim Eberlein, Brian Springer and Shirley Johnson, Clayton.

Senator Mayer introduced to the Senate, Lugina Counce and eight third and fourth grade students from Caruthersville Elementary School; and Alyssa Counce, Anne Marie Currie, Tyler Grissom and Elizabeth Stewart were made honorary pages.

Senator Bray introduced to the Senate, Katie Genevose and thirty fourth grade students from Our Lady of the Pillar School, Creve Coeur.

Senator Green introduced to the Senate, Cari and Peggy Schmidt, Rose Sigeas, teachers, parents and forty-three eighth grade students from St. Thomas the Apostle School, Florissant.

Senator Purgason introduced to the Senate, students from Willow Springs Elementary School.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY-WEDNESDAY, APRIL 6, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 707-Cunningham (145) and Byrd

THIRD READING OF SENATE BILLS

SS for SB 343-Bartle (In Fiscal Oversight)

SCS for SB 319-Koster

SCS for SBs 23 & 51-Griesheimer and
Kennedy

SB 274-Taylor

SCS for SB 468-Griesheimer

SCS for SBs 75 & 353-Champion and
Wheeler

SS for SCS for SB 346-Clemens

SENATE BILLS FOR PERFECTION

SB 284-Cauthorn and Clemens, with SCS

SB 272-Gross, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 269-Shields

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS

SB 5-Klindt, with SCS

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 50-Taylor and Nodler, with SCS

SBs 74 & 49-Champion, with SCS

SB 95-Coleman
SB 152-Wilson, with SCS
SB 160-Bartle, et al
SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 232-Loudon, et al
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 316-Dolan, with SCS (pending)
SB 324-Scott, with SCS
SB 348-Clemens
SB 362-Stouffer
SB 476-Scott

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—WEDNESDAY, APRIL 6, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cast not away your boldness, which hath great recompense of reward.” (Hebrews 10:35)

Heavenly Father, You call us to be co-workers with You in this world and we face difficulties and opposition and even hindrances to the work You would have us do here. Help us to have the resolve we need to face uphill climbs, misunderstandings, and pain in this sometimes very wicked and dangerous world. Help us to be servants to all and pray constantly to You so we may truly be bold and achieve the recompense of faithfulness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the News Tribune were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 921, regarding the birth of Allie Brooke Wesley, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 922, regarding the birth of Chloe Elizabeth Carrillo, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 923, regarding the death of Anna Elizabeth Newsom, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 924, regarding the Fifty-fourth Wedding Anniversary of Mr. and Mrs. Paul Shelton, Bosworth, which was adopted.

Senator Stouffer offered Senate Resolution No. 925, regarding the 2004-2005 New Franklin Lady Bulldogs Basketball Team, which was adopted.

Senator Stouffer offered Senate Resolution No. 926, regarding the death of Rudy Beretta, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 927, regarding the birth of Dalenn Matthew Barker, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 928, regarding the birth of Joshua Sean Korte, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 929, regarding the birth of Mariyah Minor, which was adopted.

Senator Stouffer offered Senate Resolution No. 930, regarding Mr. and Mrs. Brian Hemme, which was adopted.

Senator Stouffer offered Senate Resolution No. 931, regarding Debbie Wiswall, Fayette, which was adopted.

Senator Coleman offered Senate Resolution No. 932, regarding the death of Joseph P. Roddy, which was adopted.

THIRD READING OF SENATE BILLS

Senator Shields moved that **SS** for **SCS** for **SB 269**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Shields, **SS** for **SCS** for **SB 269** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Dolan	Engler
Gibbons	Griesheimer	Kennedy	Klindt
Loudon	Nodler	Ridgeway	Scott
Shields	Taylor	Vogel	Wheeler

Wilson—21

NAYS—Senators

Bray	Crowell	Days	Dougherty
Graham	Green	Gross	Koster
Mayer	Purgason	Stouffer—11	

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 707—Financial and Governmental Organ-izations and Elections.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 580 and 581 of the Senate Journal for Tuesday, April 5, 2005, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SCS** for **SBs 75** and **353** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 160**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bartle offered **SS** for **SB 160**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 160

An Act to amend chapters 191 and 196, RSMo, by adding thereto two new sections relating to human cloning, with penalty provisions.

Senator Bartle moved that **SS** for **SB 160** be adopted.

At the request of Senator Bartle, **SB 160**, with **SS** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 933, regarding Maria Esswein, which was adopted.

Senator Crowell offered Senate Resolution No. 934, regarding Amber King, which was adopted.

Senator Crowell offered Senate Resolution No. 935, regarding Elizabeth Rozier, which was adopted.

Senator Crowell offered Senate Resolution No. 936, regarding Lynn Zoellner, which was adopted.

Senator Crowell offered Senate Resolution No. 937, regarding Sarah Hahn, which was adopted.

Senator Crowell offered Senate Resolution No. 938, regarding Nicole Cavins, which was adopted.
Senator Crowell offered Senate Resolution No. 939, regarding Lacie Ellsworth, which was adopted.
Senator Crowell offered Senate Resolution No. 940, regarding Kailyn Petzoldt, which was adopted.
Senator Crowell offered Senate Resolution No. 941, regarding Kristen Wengert, which was adopted.
Senator Crowell offered Senate Resolution No. 942, regarding Jessica Zoellner, which was adopted.
Senator Crowell offered Senate Resolution No. 943, regarding Katie Karnes, which was adopted.
Senator Crowell offered Senate Resolution No. 944, regarding Sarah McDonald, which was adopted.
Senator Crowell offered Senate Resolution No. 945, regarding Morgan Ruppel, which was adopted.
Senator Crowell offered Senate Resolution No. 946, regarding Rita Jo Dirnberger, which was adopted.
Senator Crowell offered Senate Resolution No. 947, regarding Allison Essner, which was adopted.
Senator Crowell offered Senate Resolution No. 948, regarding Sarah Huber, which was adopted.
Senator Crowell offered Senate Resolution No. 949, regarding Alison Martin, which was adopted.
Senator Crowell offered Senate Resolution No. 950, regarding Laura Muir, which was adopted.
Senator Crowell offered Senate Resolution No. 951, regarding Whitney Ostendorf, which was adopted.
Senator Crowell offered Senate Resolution No. 952, regarding Kaitlyn Scheeter, which was adopted.
Senator Crowell offered Senate Resolution No. 953, regarding Kelsey Marie Scheeter, which was adopted.
Senator Crowell offered Senate Resolution No. 954, regarding Rachael Weidenbenner, which was adopted.
Senator Champion offered Senate Resolution No. 955, regarding the 2004-2005 Southwest Missouri State University Lady Bears Basketball Team, which was adopted.
Senator Stouffer offered Senate Resolution No. 956, regarding Jeri Bowen, Excelsior Springs, which was adopted.
Senator Stouffer offered Senate Resolution No. 957, regarding Lacey Harper, Carrollton, which was adopted.
Senator Stouffer offered Senate Resolution No. 958, regarding Whitney Martens, Richmond, which was adopted.
Senator Stouffer offered Senate Resolution No. 959, regarding the National Guard Unit, Lexington, which was adopted.
Senator Graham offered Senate Resolution No. 960, regarding Robert Corcoran, which was adopted.
Senator Purgason offered Senate Resolution No. 961, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Vandergrift, Lebanon, which was adopted.
Senator Green offered Senate Resolution No. 962, regarding Philip Kent Cooper, Florissant, which was adopted.
Senator Purgason offered Senate Resolution No. 963, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Kuse, Camdenton, which was adopted.
Senator Vogel offered Senate Resolution No. 964, regarding Kristen Shively, Jefferson City, which was adopted.
Senator Vogel offered Senate Resolution No. 965, regarding Morgan Brown, Auxvasse, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:
Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 738**, entitled:
An Act to repeal section 339.515, RSMo, and to enact in lieu thereof one new section relating to real estate appraisers, with an emergency clause.
Emergency clause adopted.
In which the concurrence of the Senate is respectfully requested.
Read 1st time.
Also,
Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed House Committee Substitute for House Joint Resolution No. 16, entitled:
An Act submitting to the qualified voters of Missouri an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.
In which the concurrence of the Senate is respectfully requested.
Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 394**, entitled:

An Act to repeal sections 383.010, 383.035, 383.079, 383.105, 383.160, 383.165, and 538.230, RSMo, and to enact in lieu thereof twenty-three new sections relating to insurance for health care providers in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 388**, entitled:

An Act to amend chapters 374 and 375, RSMo, by adding thereto eight new sections relating to insurance compliance audits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 160**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 160** was again taken up.

Senator Nodler assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Bartle, **SB 160**, with **SS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 64**, entitled:

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 700**, entitled:

An Act to repeal sections 217.690 and 565.092, RSMo, and to enact in lieu thereof three new sections relating to the department of corrections, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 518, 288, 418** and **635**, entitled:

An Act to repeal sections 210.104, 210.106, 210.107, 304.015, 304.016, 304.155, 304.580, 307.178, and 476.385, RSMo, and to enact in lieu thereof eleven new sections relating to highway safety, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms; and

Whereas, lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals; and

Whereas, the manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by federal, state, and local laws, including the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act; and

Whereas, businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the public of firearms or ammunition that has been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended; and

Whereas, thirty-three states have passed legislation protecting firearms and ammunition manufacturers, and legislation in Congress supporting this measure has broad bipartisan support:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby request our elected Representatives and Senators in the United States Congress to end the abuse of tort laws against the firearms industry; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SBs 202, 33, 45, 183 and 217**, entitled:

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Tony Dinolfo, Gary Adkins and Heath Kennedy, Crystal City; Arthur Frey, Homer Boyer, Daniel Doenges, Kelly Marlow, David Bittick and Kevin Nesselhauf, Festus; Lauren Reifschneider, Bonne Terre; Jessica Whorton, Hillsboro; and Jennifer Kile, Imperial.

Senator Vogel introduced to the Senate, representatives of the American Red Cross from around the state.

Senator Vogel introduced to the Senate, Kennon Choate and Brandon Weilert and nominees for Youth of the Year for Boys and Girls Clubs of the Capital City, Jefferson City.

Senator Graham introduced to the Senate, Larry Rodgers, Moberly.

Senator Bartle introduced to the Senate, Denise and Caroline Mashburn, Terry and Kara Land, Jordan Smith and Alisha Bellasario, Lee's Summit.

Senator Koster introduced to the Senate, Gerald Newman, Matt Goforth, Scott Siegfried, Janet Akers, Susan Bernt, Carl Elliot, Marty Shook and Andy Atzenweiler, members of the Missouri Cattlemens' Association.

Senator Shields introduced to the Senate, Bill Freund and eighth grade students from St. Therese North, Parkville; and Emily Spirk, Katherine Suman, Katy Hoverder and Julia Martino were made honorary pages.

Senator Kennedy introduced to the Senate, eighth grade students from St. Margaret Mary Alacoque, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Chris Erkmann, M.D., Chesterfield.

Senator Loudon introduced to the Senate, Bayley and Jerry Flint, Chesterfield; and Bayley was made an honorary page.

Senator Stouffer introduced to the Senate, Howard Hardecke, Bolivar; Kent Sanders, Rayville; Steve Willard, Willow Springs; and Luke Rhode, Boonville.

On behalf of Senator Shields and himself, Senator Klindt introduced to the Senate, members of American Legion State Youth Government Day: Terry Coult, Amber Parker, Trent Figg and Ken Stull, Chillicothe; Rachel Crider,

Lawren and Jill Haer and Khrystyne Steins, Holt County; Amber Lewis, Kyle Parrish and Rachel McEnaney, Atchison County; Morgan Wilson, Platte County; David Kosminski, Jessie Hall and Stanley Stubblefield, Andrew County; and Kaitlyn Woods, Megan Brandt, Derek Bloom, Chandra Binns, Valyssa Downing and Sara Beth Workman, Nodaway County.

Senator Clemens introduced to the Senate, Beth and Weston Walker, Springfield.

Senator Nodler introduced to the Senate, Nancy Brown, Lori Blythe and Louis McReynolds, Joplin.

On behalf of Senator Engler and himself, Senator Kennedy introduced to the Senate, Steve and Pat Markus, Vivian Farrell and Kurt Poepsel, St. Louis.

Senator Greisheimer introduced to the Senate, Susan McGlynn, St. Clair; Brenda Moran, New Haven; and Charlotte Baxter, Dr. VeAnn Telsen and Ed Kramme, Union.

Senator Gibbons introduced to the Senate, forty-four fifth and sixth grade students from Holy Redeemer School, Webster Groves; and Logan Bice, Maggie Krewet, Ben Lenzini and Christina Zor were made honorary pages.

Senator Griesheimer introduced to the Senate, Alissa Long, DeSoto; and Amber Gonzalez, Montgomery City.

Senator Klindt introduced to the Senate, seven eighth grade students from Bishop Hogan Catholic School, Chillicothe.

Senator Bray introduced to the Senate, Piama Edwards, St. Louis.

Senator Shields introduced to the Senate, Rachel Cox and Christen Turner, St. Joseph.

Senator Koster introduced to the Senate, Danee Douglas, David Martin, Ian Kreher, Baillie James, Warrensburg High School; Adam Baumgarden and Laura Andreas, Kingsville High School; Brett Nelson and Heidi Clark, Chilhowee High School; Courtney Robinson and Cody Korson, Leeton High School; and Alex Clark and Jessica Barkas, Knob Noster High School.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY—THURSDAY, APRIL 7, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen
HCS for HJR 16

HCS for HB 394
HCS for HB 388

HCS for HB 64
HB 700-Moore, et al
HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SS for SB 343-Bartle (In Fiscal
Oversight)
SCS for SB 319-Koster

SCS for SBs 23 & 51-Griesheimer and
Kennedy
SB 274-Taylor
SCS for SB 468-Griesheimer
SCS for SBs 75 & 353-Champion and
Wheeler (In Fiscal Oversight)

SS for SCS for SB 346-Clemens

SENATE BILLS FOR PERFECTION

SB 284-Cauthorn and Clemens, with SCS

SB 272-Gross, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS
SBs 74 & 49-Champion, with SCS
SB 95-Coleman
SB 152-Wilson, with SCS
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 232-Loudon, et al
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 316-Dolan, with SCS (pending)
SB 324-Scott, with SCS
SB 348-Clemens
SB 362-Stouffer
SB 476-Scott

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 202, 33, 45, 183 & 217-Crowell, with HCS

RESOLUTIONS

To be Referred

HCR 11-Sander, et al

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Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY—THURSDAY, APRIL 7, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Create in me a clean heart, O God; And renew a right spirit within me.” (Psalm 51:10)

Almighty God, we know that all of life continues only as long as it is renewed and so we pray daily that we might be renewed by Your Holy Spirit so that we are capable of performing the work You have given us to do. Renew us so that we see our relationships with one another as a means for us to grow and understand this world in which we live. Renew us, Lord, so we may be capable of having life and living it abundantly new each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

Vacancies—2

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 966, regarding Dr. John T. Yetter, which was adopted.

Senator Wheeler offered Senate Resolution No. 967, regarding the Sixth Annual Mizzou Black and Gold Tiger Ball, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Coleman moved that **SB 95** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Coleman offered **SS** for **SB 95**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 95

An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.311, 701.312, 701.314, 701.320, 701.328, and 701.337, RSMo, and to enact in lieu thereof fourteen new sections relating to lead poisoning, with penalty provisions.

Senator Coleman moved that **SS** for **SB 95** be adopted, which motion prevailed.

On motion of Senator Coleman, **SS** for **SB 95** was declared perfected and ordered printed.

Senator Loudon moved that **SB 232** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion on Senator Loudon, **SB 232** was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 225**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SCS** for **SB 225** was again taken up.

Senator Crowell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 225, Pages 19-22, Section 260.273, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 225, Page 1, In the Title, Line 6, by inserting after "provisions" the following: "and an emergency clause"; and

Further amend said bill, Page 53, Section 260.569, Line 6, by inserting after all of said line the following:

"260.900. As used in sections 260.900 to 260.960, unless the context clearly indicates otherwise, the following terms mean:

(1) "Abandoned dry-cleaning facility", any real property premises or individual leasehold space in which a dry-cleaning facility formerly operated;

(2) "Active dry-cleaning facility", any real property premises or individual leasehold space in which a dry-cleaning facility currently operates;

(3) "Chlorinated dry-cleaning solvent", any dry-cleaning solvent which contains a compound which has a molecular structure containing the element chlorine;

(4) "Commission", the hazardous waste management commission created in section 260.365;

- (5) "Corrective action", those activities described in subsection 1 of section 260.925;
- (6) "Corrective action plan", a plan approved by the director to perform corrective action at a dry-cleaning facility;
- (7) "Department", the Missouri department of natural resources;
- (8) "Director", the director of the Missouri department of natural resources;
- (9) "Dry-cleaning facility", a commercial establishment that operates, or has operated in the past in whole or in part for the purpose of cleaning garments or other fabrics on site utilizing a process that involves any use of dry-cleaning solvents. Dry-cleaning facility includes all contiguous land, structures and other appurtenances and improvements on the land used in connection with a dry-cleaning facility but does not include prisons, governmental entities, hotels, motels or industrial laundries. Dry-cleaning facility does include coin-operated dry-cleaning facilities;
- (10) "Dry-cleaning solvent", any and all nonaqueous solvents used or to be used in the cleaning of garments and other fabrics at a dry-cleaning facility and includes but is not limited to perchloroethylene, also known as tetrachloroethylene, [and petroleum-based solvents] **chlorinated dry-cleaning**, and the products into which such solvents degrade;
- (11) "Dry-cleaning unit", a machine or device which utilizes dry- cleaning solvents to clean garments and other fabrics and includes any associated piping and ancillary equipment and any containment system;
- (12) "Environmental response surcharge", either the active dry- cleaning facility registration surcharge or the dry-cleaning solvent surcharge;
- (13) "Fund", the dry-cleaning environmental response trust fund created in section 260.920;
- (14) "Immediate response to a release", containment and control of a known release in excess of a reportable quantity and notification to the department of any known release in excess of a reportable quantity;
- (15) "Operator", any person who is or has been responsible for the operation of dry-cleaning operations at a dry-cleaning facility;
- (16) "Owner", any person who owns the real property where a dry- cleaning facility is or has operated;
- (17) "Person", an individual, trust, firm, joint venture, consortium, joint-stock company, corporation, partnership, association or limited liability company. Person does not include any governmental organization;
- (18) "Release", any spill, leak, emission, discharge, escape, leak or disposal of dry-cleaning solvent from a dry-cleaning facility into the soils or waters of the state;
- (19) "Reportable quantity", a known release of a dry-cleaning solvent deemed reportable by applicable federal or state law or regulation.

260.905. 1. The commission shall promulgate and adopt such initial rules and regulations, effective no later than July 1, [2002] **2007**, as shall be necessary to carry out the purposes and provisions of sections 260.900 to 260.960. Prior to the promulgation of such rules, the commission shall meet with representatives of the dry-cleaning industry and other interested parties. The commission, thereafter, shall promulgate and adopt additional rules and regulations or change existing rules and regulations when necessary to carry out the purposes and provisions of sections 260.900 to 260.960.

2. Any rule or regulation adopted pursuant to sections 260.900 to 260.960 shall be reasonably necessary to protect human health, to preserve, protect and maintain the water and other natural resources of this state and to provide for prompt corrective action of releases from dry-cleaning facilities. Consistent with these purposes, the commission shall adopt rules and regulations, effective no later than July 1, [2002] **2007**:

- (1) Establishing requirements that owners who close dry-cleaning facilities remove dry-cleaning solvents and wastes from such facilities in order to prevent any future releases;
- (2) Establishing criteria to prioritize the expenditure of funds from the dry-cleaning environmental response trust fund. The criteria shall include consideration of:
 - (a) The benefit to be derived from corrective action compared to the cost of conducting such corrective action;
 - (b) The degree to which human health and the environment are actually affected by exposure to contamination;
 - (c) The present and future use of an affected aquifer or surface water;
 - (d) The effect that interim or immediate remedial measures will have on future costs; and
 - (e) Such additional factors as the commission considers relevant;
- (3) Establishing criteria under which a determination may be made by the department of the level at which corrective action shall be deemed completed. Criteria for determining completion of corrective action shall be based on

the factors set forth in subdivision (2) of this subsection and:

- (a) Individual site characteristics including natural remediation processes;
- (b) Applicable state water quality standards;
- (c) Whether deviation from state water quality standards or from established criteria is appropriate, based on the degree to which the desired remediation level is achievable and may be reasonably and cost effectively implemented, subject to the limitation that where a state water quality standard is applicable, a deviation may not result in the application of standards more stringent than that standard; and
- (d) Such additional factors as the commission considers relevant.

260.925. 1. On and after July 1, 2002, moneys in the fund shall be utilized to address contamination resulting from releases of dry-cleaning solvents as provided in sections 260.900 to 260.960. Whenever a release poses a threat to human health or the environment, the department, consistent with rules and regulations adopted by the commission pursuant to subdivisions (2) and (3) of subsection 2 of section 260.905, shall expend moneys available in the fund to provide for:

- (1) Investigation and assessment of a release from a dry-cleaning facility, including costs of investigations and assessments of contamination which may have moved off of the dry-cleaning facility;
- (2) Necessary or appropriate emergency action, including but not limited to treatment, restoration or replacement of drinking water supplies, to assure that the human health or safety is not threatened by a release or potential release;
- (3) Remediation of releases from dry-cleaning facilities, including contamination which may have moved off of the dry-cleaning facility, which remediation shall consist of the preparation of a corrective action plan and the cleanup of affected soil, groundwater and surface waters, using an alternative that is cost-effective, technologically feasible and reliable, provides adequate protection of human health and environment and to the extent practicable minimizes environmental damage;
- (4) Operation and maintenance of corrective action;
- (5) Monitoring of releases from dry-cleaning facilities including contamination which may have moved off of the dry-cleaning facility;
- (6) Payment of reasonable costs incurred by the director in providing field and laboratory services;
- (7) Reasonable costs of restoring property as nearly as practicable to the condition that existed prior to activities associated with the investigation of a release or cleanup or remediation activities;
- (8) Removal and proper disposal of wastes generated by a release of a dry-cleaning solvent; and
- (9) Payment of costs of corrective action conducted by the department or by entities other than the department but approved by the department, whether or not such corrective action is set out in a corrective action plan; except that, there shall be no reimbursement for corrective action costs incurred before August 28, 2000.

2. Nothing in subsection 1 of this section shall be construed to authorize the department to obligate moneys in the fund for payment of costs that are not integral to corrective action for a release of dry-cleaning solvents from a dry-cleaning facility. Moneys from the fund shall not be used:

- (1) For corrective action at sites that are contaminated by solvents normally used in dry-cleaning operations where the contamination did not result from the operation of a dry-cleaning facility;
- (2) For corrective action at sites, other than dry-cleaning facilities, that are contaminated by dry-cleaning solvents which were released while being transported to or from a dry-cleaning facility;
- (3) To pay any fine or penalty brought against a dry-cleaning facility operator under state or federal law;
- (4) To pay any costs related to corrective action at a dry-cleaning facility that has been included by the United States Environmental Protection Agency on the national priorities list;
- (5) For corrective action at sites with active dry-cleaning facilities where the owner or operator is not in compliance with sections 260.900 to 260.960, rules and regulations adopted pursuant to sections 260.900 to 260.960, orders of the director pursuant to sections 260.900 to 260.960, or any other applicable federal or state environmental statutes, rules or regulations; or
- (6) For corrective action at sites with abandoned dry-cleaning facilities that have been taken out of operation prior to July 1, [2004] **2009**, and not documented by or reported to the department by July 1, [2004] **2009**. Any person reporting such a site to the department shall include any available evidence that the site once contained a dry-cleaning facility.

3. Nothing in sections 260.900 to 260.960 shall be construed to restrict the department from temporarily postponing completion of corrective action for which moneys from the fund are being expended whenever such postponement is deemed necessary in order to protect public health and the environment.

4. At any multisource site, the department shall utilize the moneys in the fund to pay for the proportionate share of the liability for corrective action costs which is attributable to a release from one or more dry-cleaning facilities and for that proportionate share of the liability only.

5. At any multisource site, the director is authorized to make a determination of the relative liability of the fund for costs of corrective action, expressed as a percentage of the total cost of corrective action at a site, whether known or unknown. The director shall issue an order establishing such percentage of liability. Such order shall be binding and shall control the obligation of the fund until or unless amended by the director. In the event of an appeal from such order, such percentage of liability shall be controlling for costs incurred during the pendency of the appeal.

6. Any authorized officer, employee or agent of the department, or any person under order or contract with the department, may enter onto any property or premises, at reasonable times and with reasonable advance notice to the operator, to take corrective action where the director determines that such action is necessary to protect the public health or environment. If consent is not granted by the operator regarding any request made by any officer, employee or agent of the department, or any person under order or contract with the department, under the provisions of this section, the director may issue an order directing compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances.

7. Notwithstanding any other provision of sections 260.900 to 260.960, in the discretion of the director, an operator may be responsible for up to one hundred percent of the costs of corrective action attributable to such operator if the director finds, after notice and an opportunity for a hearing in accordance with chapter 536, RSMo, that:

(1) Requiring the operator to bear such responsibility will not prejudice another owner, operator or person who is eligible, pursuant to the provisions of sections 260.900 to 260.960, to have corrective action costs paid by the fund; and

(2) The operator:

(a) Caused a release in excess of a reportable quantity by willful or wanton actions and such release was caused by operating practices in violation of existing laws and regulations at the time of the release; or

(b) Is in arrears for moneys owed pursuant to sections 260.900 to 260.960, after notice and an opportunity to correct the arrearage; or

(c) Materially obstructs the efforts of the department to carry out its obligations pursuant to sections 260.900 to 260.960; except that, the exercise of legal rights shall not constitute a substantial obstruction; or

(d) Caused or allowed a release in excess of a reportable quantity because of a willful material violation of sections 260.900 to 260.960 or the rules and regulations adopted by the commission pursuant to sections 260.900 to 260.960.

8. For purposes of subsection 7 of this section, unless a transfer is made to take advantage of the provisions of subsection 7 of this section, purchasers of stock or other indicia of ownership and other successors in interest shall not be considered to be the same owner or operator as the seller or transferor of such stock or indicia of ownership even though there may be no change in the legal identity of the owner or operator. To the extent that an owner or operator is responsible for corrective action costs pursuant to subsection 7 of this section, such owner or operator shall not be entitled to the exemption provided in subsection 5 of section 260.930.

9. The fund shall not be liable for the payment of costs in excess of one million dollars at any one contaminated dry-cleaning site. Additionally, the fund shall not be liable for the payment of costs for any one site in excess of twenty-five percent of the total moneys in the fund during any fiscal year. For purposes of this subsection, "contaminated dry-cleaning site" means the areal extent of soil or ground water contaminated with dry-cleaning solvents.

10. The owner or operator of an active dry-cleaning facility shall be liable for the first twenty-five thousand dollars of corrective action costs incurred because of a release from an active dry-cleaning facility. The owner of an abandoned dry-cleaning facility shall be liable for the first twenty-five thousand dollars of corrective action costs incurred because of a release from an abandoned dry-cleaning facility. Nothing in this subsection shall be construed to prohibit the department from taking corrective action because the department cannot obtain the deductible.

260.935. 1. Every active dry-cleaning facility shall pay, in addition to any other environmental response

surcharges, an annual dry-cleaning facility registration surcharge as follows:

(1) Five hundred dollars for facilities which use no more than one hundred forty gallons of chlorinated solvents [and no more than one thousand four hundred gallons of petroleum, nonchlorinated solvents per year];

(2) One thousand dollars for facilities which use more than one hundred forty gallons of chlorinated solvents [or more than one thousand four hundred gallons of petroleum, nonchlorinated solvents per year] and less than three hundred sixty gallons of chlorinated solvents [and less than three thousand six hundred gallons of petroleum, nonchlorinated solvents] per year; and

(3) Fifteen hundred dollars for facilities which use at least three hundred sixty gallons of chlorinated solvents [or at least three thousand six hundred gallons of petroleum, nonchlorinated solvents] per year.

2. The active dry-cleaning facility registration surcharge imposed by this section shall be reported and paid to the department on an annual basis. The commission shall prescribe by administrative rule the procedure for the report and payment required by this section.

3. The department shall provide each person who pays a dry-cleaning facility registration surcharge pursuant to this section with a receipt. The receipt or the copy of the receipt shall be produced for inspection at the request of any authorized representative of the department.

4. All moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the dry-cleaning environmental response trust fund created in section 260.920. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the department.

5. If any person does not pay the active dry-cleaning facility registration surcharge or any portion of the active dry-cleaning facility registration surcharge imposed by this section by the date prescribed for such payment, the department shall impose and such person shall pay, in addition to the active dry-cleaning facility registration surcharge owed by such person, a penalty of fifteen percent of the active dry-cleaning facility registration surcharge. Such penalty shall be deposited in the dry-cleaning environmental response trust fund.

6. If any person does not pay the active dry-cleaning facility registration surcharge or any portion of the active dry-cleaning facility registration surcharge imposed by this section by the date prescribed for such payment, the department shall also impose interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for the payment of such surcharge and penalties until payment is actually made. Such interest shall be deposited in the dry-cleaning environmental response trust fund.

260.940. 1. Every seller or provider of dry-cleaning solvent for use in this state shall pay, in addition to any other environmental response surcharges, a dry-cleaning solvent surcharge on the sale or provision of dry-cleaning solvent.

2. The amount of the dry-cleaning solvent surcharge imposed by this section on each gallon of dry-cleaning solvent shall be an amount equal to the product of the solvent factor for the dry-cleaning solvent and the rate of eight dollars per gallon.

3. The solvent factor for each dry-cleaning solvent is as follows:

(1) For perchloroethylene, the solvent factor is 1.00;

(2) For 1,1,1-trichloroethane, the solvent factor is 1.00; **and**

(3) For other chlorinated dry-cleaning solvents, the solvent factor is 1.00[; and

(4) For any nonchlorinated dry-cleaning solvent, the solvent factor is 0.05].

4. In the case of a fraction of a gallon, the dry-cleaning solvent surcharge imposed by this section shall be the same fraction of the fee imposed on a whole gallon.

5. The dry-cleaning solvent surcharge required in this section shall be paid to the department by the seller or provider of the dry-cleaning solvent, regardless of the location of such seller or provider.

6. The dry-cleaning solvent surcharge required in this section shall be paid by the seller or provider on a quarterly basis and shall be paid to the department for the previous quarter. The commission shall prescribe by administrative rule the procedure for the payment required by this section.

7. The department shall provide each person who pays a dry-cleaning solvent surcharge pursuant to this section with a receipt. The receipt or the copy of the receipt shall be produced for inspection at the request of any authorized representative of the department.

8. All moneys collected or received by the department pursuant to this section shall be transmitted to the

department of revenue for deposit in the state treasury to the credit of the dry-cleaning environmental response trust fund created in section 260.920. Following each annual or quarterly reporting date, the state treasurer shall certify the amount deposited to the department.

9. If any seller or provider of dry-cleaning solvent fails or refuses to pay the dry-cleaning solvent surcharge imposed by this section, the department shall impose and such seller or provider shall pay, in addition to the dry-cleaning solvent surcharge owed by the seller or provider, a penalty of fifteen percent of the dry-cleaning solvent surcharge. Such penalty shall be deposited in the dry-cleaning environmental response trust fund.

10. If any person does not pay the dry-cleaning solvent surcharge or any portion of the dry-cleaning solvent surcharge imposed by this section by the date prescribed for such payment, the department shall impose and such person shall pay interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for the payment of such surcharge and penalties until payment is actually made. Such interest shall be deposited in the dry-cleaning environmental response trust fund.

11. An operator of a dry-cleaning facility shall not purchase or obtain solvent from a seller or provider who does not pay the dry-cleaning solvent charge, as provided in this section. Any operator of a dry-cleaning facility who fails to obey the provisions of this section shall be required to pay the dry-cleaning solvent surcharge as provided in subsections 2, 3 and 4 of this section for any dry-cleaning solvent purchased or obtained from a seller or provider who fails to pay the proper dry-cleaning solvent surcharge as determined by the department. Any operator of a dry-cleaning facility who fails to follow the provisions of this subsection shall also be charged a penalty of fifteen percent of the dry-cleaning solvent surcharge owed. Any operator of a dry-cleaning facility who fails to obey the provisions of this subsection shall also be subject to the interest provisions of subsection 10 of this section. If a seller or provider of dry-cleaning solvent charges the operator of a dry-cleaning facility the dry-cleaning solvent surcharge provided for in this section when the solvent is purchased or obtained by the operator and the operator can prove that the operator made full payment of the surcharge to the seller or provider but the seller or provider fails to pay the surcharge to the department as required by this section, then the operator shall not be liable pursuant to this subsection for interest, penalties or the seller's or provider's unpaid surcharge. Such surcharges, penalties and interest shall be collected by the department, and all moneys collected pursuant to this subsection shall be deposited in the dry-cleaning environmental response trust fund.

260.945. 1. If the unobligated principal of the fund equals or exceeds five million dollars on April first of any year, the active dry-cleaning facility registration surcharge imposed by section 260.935 and the dry-cleaning solvent surcharge imposed by section 260.940 shall not be collected on or after the next July first until such time as on April first of any year thereafter the unobligated principal balance of the fund equals two million dollars or less, then the active dry-cleaning facility registration surcharge imposed by section 260.935 and the dry-cleaning solvent surcharge imposed by section 260.940 shall again be collected on and after the next July first.

2. Not later than April fifth of each year, the state treasurer shall notify the department of the amount of the unobligated balance of the fund on April first of such year. Upon receipt of the notice, the department shall notify the public if the active dry-cleaning facility registration surcharge imposed by section 260.935 and the dry-cleaning solvent surcharge imposed by section 260.940 will terminate or be payable on the following July first.

3. Moneys in the fund shall not be expended pursuant to sections 260.900 to 260.960 prior to July 1, 2002.

260.960. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after [August 28, 2000,] **the effective date of this act** shall be invalid and void.

260.965. The provisions of sections 260.900 to 260.965 shall expire August 28, 2012.”; and

Further amend said bill, Page 56, Section 260.479, Line 41, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to enable the promulgation of regulations to implement this act and to preserve the environment, sections 260.900, 260.905, 260.925, 260.935, 260.940, 260.945, 260.960, and 260.965 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are

hereby declared to be an emergency act within the meaning of the constitution, and sections 260.900, 260.905, 260.925, 260.935, 260.940, 260.945, 260.960, and 260.965 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SS No. 2** for **SCS** for **SB 225**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS No. 2** for **SCS** for **SB 225**, as amended, was declared perfected and ordered printed.

Senator Scott moved that **SB 476** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 476, Page 3, Section 361.070, Line 45, by inserting at the end of said line the following: **“The director may seek judicial enforcement of an administrative subpoena by application to the appropriate court. An administrative subpoena shall be subject to the same defenses or subject to a protective order or conditions as provided and deemed appropriate by the court in accordance with the Missouri Supreme Court Rules.”**; and

Further amend said bill, page 4, section 361.080, lines 53-54 by striking all of said lines and inserting in lieu thereof the following: **“(1) To the extent that the public duty of the director requires the director to report information to another government official or agency or take administrative or judicial enforcement action regarding the affairs of a financial institution”**; and

Further amend said bill, page 5, lines 61-62 by striking the words “or a complainant's representative” and inserting in lieu thereof the following: **“, provided the disclosure is limited to such complainant's account information”**; and further amend lines 73-76 by striking all of said lines and inserting in lieu thereof the following: **“(7) When disclosure is necessary or required, the director may set conditions and limitations, including an agreement of confidentiality or a judicial or administrative protective order.”**; and further amend line 83 by inserting after the word “process.” the following: **“To assure a meaningful hearing, any financial institution that is not already a party to the judicial proceeding and whose information is the subject of a records request or subpoena shall be joined or notified and permitted to intervene in the hearing and to participate regarding the production request or subpoena.”**; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **SB 476**, as amended, was declared perfected and ordered printed.

Senator Crowell assumed the Chair.

Senator Taylor moved that **SB 50**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 50**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 50

An Act to repeal sections 115.135, 115.155, and 115.160, RSMo, and to enact in lieu thereof three new sections relating to voter registration.

Was taken up.

Senator Taylor moved that **SCS** for **SB 50** be adopted.

Senator Taylor offered **SS** for **SCS** for **SB 50**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 50

An Act to repeal sections 115.135, 115.155, and 115.160, RSMo, and to enact in lieu thereof three new sections relating to voter registration.

Senator Taylor moved that **SS** for **SCS** for **SB 50** be adopted.

At the request of Senator Taylor, **SB 50**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert C. Fulp, as a member of the Missouri Housing Development Commission;

Also,

Nick L. Matherly, as a member of the Land Reclamation Commission;

Also,

Debra A. Adams, as a member of the Advisory Commission for Dental Hygienists;

Also,

Reginald Dickson, as a member of the Southeast Missouri State University Board of Regents;

Also,

Bruce A. Olson, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Kathryn Braden, as a member of the State Soil and Water Districts Commission;

Also,

Gerald F. Engemann, as a member of the Dam and Reservoir Safety Council;

Also,

Jeanne M. Daffron, as a member of the Life Sciences Research Committee;

Also,

Thomas A. Deuschle, as the Director of the Department of Labor and Industrial Relations;

Also,

William G. Gillespie, as a member of the Harris-Stowe State College Board of Regents;

Also,

William K. Blades, as a member of the State Fair Commission;

Also,

Karen E. Allen, as a member of the Missouri Planning Council on Developmental Disabilities.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Robert C. Fulp, as a member of the Missouri Housing Development Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Champion moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Nick L. Matherly, as a member of the Land Reclamation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Purgason moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Debra A. Adams, as a member of the Advisory Commission for Dental Hygienists, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Purgason moved that the Committee Report be adopted and the Senate do give its advice and consent to

the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Reginald Dickson, as a member of the Southeast Missouri State University Board of Regents, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Days moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Bruce A. Olson, as a member of the Health and Educational Facilities Authority of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bray moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kathryn Braden, as a member of the State Soil and Water Districts Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Taylor moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gerald F. Engemann, as a member of the Dam and Reservoir Safety Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Griesheimer moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Jeanne M. Daffron, as a member of the Life Sciences Research Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Thomas A. Deuschle, as the Director of the Department of Labor and Industrial Relations, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Ridgeway moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the reappointment of William G. Gillespie, as a member of the Harris-Stowe State College Board of Regents, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said reappointment.

Senator Days moved that the Committee Report be adopted and the Senate do give its advice and consent to the above reappointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the reappointment of William K. Blades, as a member of the State Fair Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said reappointment.

Senator Cauthorn moved that the Committee Report be adopted and the Senate do give its advice and consent to the above reappointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Karen E. Allen, as a member of the Missouri Planning Council on Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Vogel moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 434**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 55**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 343**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 93**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 240**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 339**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 220**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 470**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, Senator Shields submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 365** and **SB 204**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 376**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 64**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 90**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 214**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 321**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 37**, **SB 322**, **SB 78**, **SB 351** and **SB 424**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 194**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 254**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 287**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 481**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans’ Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 500**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 199**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **SB 402**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans’ Affairs and General Laws, to which was referred **HCS for HB 365**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

PRIVILEGED MOTIONS

Senator Crowell moved that **SCS for SBs 202, 33, 45, 183 and 217** with **HCS** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SCS for SBs 202, 33, 45, 183 and 217, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 202, 33, 45, 183 and 217

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement, with an emergency clause.

Was taken up.

Senator Crowell moved that **HCS for SCS for SBs 202, 33, 45, 183 and 217** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

On motion of Senator Crowell **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senator Dougherty—1

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

On motion of Senator Crowell, title to the bill was agreed to.
Senator Crowell moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.
Senator Crowell assumed the Chair.

THIRD READING OF SENATE BILLS

SS for **SB 343**, introduced by Senator Bartle, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 343

An Act to repeal sections 99.960 and 135.284, RSMo, section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof ten new sections relating to job development programs administered by the department of economic development.

Was taken up.

On motion of Senator Bartle, **SS** for **SB 343** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 319**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 319An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfers of experience and assignment of rates for employer accounts, with penalty provisions and an effective date.

Was taken up by Senator Koster.

On motion of Senator Koster, **SCS** for **SB 319** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
SCS for **SBs 23** and **51** entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 23 and 51An Act to repeal sections 570.255 and 570.300, RSMo, and to enact in lieu thereof three new sections relating to criminal offenses concerning entertainment, with penalty provisions.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SBs 23** and **51** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 274, introduced by Senator Taylor, entitled:

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to travel clubs, with penalty provisions.

Was taken up.

On motion of Senator Taylor, **SB 274** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
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Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 468**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 468An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SB 468** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Champion—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 346**, introduced by Senator Clemens, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 346

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to immunity for inherently dangerous recreational activities.

Was taken up.

On motion of Senator Clemens, **SS** for **SCS** for **SB 346** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Clemens	Coleman
Crowell	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	—25		

NAYS—Senators

Bray	Callahan	Days	Dougherty
Wheeler	Wilson—6		

Absent—Senators—None

Absent with leave—Senator
Champion—1

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 968, regarding the Nicholas-Beazley Aviation Museum, Incorporated, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 969, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Ussery, Mayview, which was adopted.

Senator Stouffer offered Senate Resolution No. 970, regarding the birth of Elaina Grace Henderson, New Franklin, which was adopted.

Senator Stouffer offered Senate Resolution No. 971, regarding the birth of Shelby Elizabeth-Ann Bartholomew, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 972, regarding the birth of Emory Grace McClendon, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 973, regarding the birth of Anna-Lynn Louise Sims, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 974, regarding the birth of Malena Anne Fisher, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 975, regarding the birth of Emma Lee Lett, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 976, regarding the birth of Bruce Allen Cantwell, III, which was adopted.

Senator Stouffer offered Senate Resolution No. 977, regarding the birth of Elijah Zane Schulze, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 978, regarding the birth of Madison Allana Mullikin, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 979, regarding Mr. and Mrs. Brent Drummond, which was adopted.

Senator Stouffer offered Senate Resolution No. 980, regarding Mr. and Mrs. Hadley Wiskur, which was adopted.

Senator Stouffer offered Senate Resolution No. 981, regarding the birth of Aidan Bentley Gage Treon, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 982, regarding the birth of Mitchell Kenneth King, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 983, regarding the birth of Michael Robert Dierking, Malta Bend, which was adopted.

Senator Stouffer offered Senate Resolution No. 984, regarding the birth of Dustin Joshua Robertson, Franklin, which was adopted.

Senator Stouffer offered Senate Resolution No. 985, regarding the birth of Cayden Rylee Davis, Marceline, which was adopted.

Senator Stouffer offered Senate Resolution No. 986, regarding the birth of Landon Mitchell Schachtele, Salisbury, which was adopted.

Senator Clemens offered Senate Resolution No. 987, regarding the Ozark Lady Tigers, which was adopted.

Senator Clemens offered Senate Resolution No. 988, regarding the 2004-2005 Chadwick High School girls basketball program, which was adopted.

Senator Klindt offered Senate Resolution No. 989, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Theodore Glenn Brobst, Meadville, which was adopted.

Senator Klindt offered Senate Resolution No. 990, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Matkins, Purdin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, his aunt and uncle, Murl and Ruby Rice, Salina, Oklahoma; and Ken Peterson, Fulton.

Senator Kennedy introduced to the Senate, Julie Rooney and Jean Merson, St. Louis; Valerie Frye and Pat Hall, Kansas City; Tina Mann, Fulton; Marilyn Raines and Nancy Asay, Springfield; David Dieckman, Overland Park, Kansas; Cyndi Bodnar, Rocheport; and Kay Hagan, Kirkwood.

Senator Kennedy introduced to the Senate, fifty eighth grade students from St. Catherine Laboure' School, St. Louis.

Senator Kennedy introduced to the Senate, Jennifer Bess, Tim McGue, John Crane and members of Cub Scout Pack Troop #319, Den 8, Christ Community Lutheran School, St. Louis; and Alex Bess, Ethan McGue, John Hook and Ian Crane were made honorary pages.

Senator Cauthorn introduced to the Senate, twenty-four fourth grade students from Clarence Accelerated School.

Senator Griesheimer introduced to the Senate, John Burt Lippert, Michael Weiss, Curt Beers and members of the Washington Cub Scout Pack Troop #508; Jordan Lippert and members of the Washington Girl Scout Pack Troop #704; and Lizzie Bene and members of the Washington Brownie Troop #407.

Senator Gibbons introduced to the Senate, Dr. Charles Fuszner, Phyllis Jackson and fourth grade students from North Glendale Elementary School; and Joshua Carter Zygmunt, Marlayna Janee Jackson, Mark Steven Williams and Katherine Quernheim Fuszner were made honorary pages.

Senator Gibbons introduced to the Senate, members of Cub Scout Troop #301, Webster Groves; and Tom and Jeff Schulte, Joe Grotha and Gary Yearout were made honorary pages.

On behalf of Senator Champion and himself, Senator Kennedy introduced to the Senate, Bill, Rosemary, Will and Nicole Cologna, Greene County.

Senator Gibbons introduced to the Senate, fifty fourth grade students from St. Peter School, Kirkwood; and Maggie McWay, Allison Herrmann, Ben Modde and Danny Weyerich were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, April 11, 2005.

SENATE CALENDAR

FIFTIETH DAY—MONDAY, APRIL 11, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen

HCS for HJR 16

HCS for HB 394

HCS for HB 388

HCS for HB 64

HB 700-Moore, et al
HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SCS for SBs 75 & 353-Champion and
Wheeler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 284-Cauthorn and Clemens, with SCS
2. SB 272-Gross, with SCS
3. SB 434-Cauthorn
4. SB 55-Klindt, with SCS
5. SB 236-Klindt and Clemens
6. SB 93-Cauthorn, with SCS
7. SB 240-Scott
8. SB 241-Scott
9. SB 339-Gross, with SCS
10. SB 220-Dolan
11. SB 470-Engler

12. SBs 365 & 204-Mayer, et al, with SCS
13. SB 376-Loudon
14. SB 64-Kennedy, with SCS
15. SB 90-Dougherty, with SCS

16. SB 214-Scott, et al, with SCS
17. SB 321-Shields
18. SB 253-Koster, with SCS
19. SBs 37, 322, 78, 351 & 424-Nodler,
with SCS
20. SB 194-Engler
21. SB 254-Engler
22. SB 373-Bartle
23. SB 287-Shields, with SCS
24. SB 481-Shields, with SCS
25. SB 500-Gibbons, et al, with SCS
26. SB 199-Gross
27. SB 402-Gibbons, et al

HOUSE BILLS ON THIRD READING

HCS for HB 365

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
SB 5-Klindt, with SCS
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SBs 74 & 49-Champion, with SCS
SB 152-Wilson, with SCS

SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 (pending)
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 316-Dolan, with SCS (pending)
SB 324-Scott, with SCS
SB 348-Clemens
SB 362-Stouffer

RESOLUTIONS

To be Referred

HCR 11-Sander, et al

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Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—MONDAY, APRIL 11, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Humble yourselves therefore under the mighty hand of God.” (1 Peter 5:6)

Heavenly Father, we return with much work before us and there are concerns in our hearts of what is needed and necessary. The pressure is slowly rising and our human wisdom would have us dictate to You or sit in judgment on Your will; so we pray that we might surrender ourselves wholly, unreservedly to Your Holy will. Let us quiet our soul’s complaints and allow Your joy and love to direct our thoughts and actions this week so that Your peace and gentle leading may open our hearts to say: “Father, not my will but Yours be done.” In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 7, 2005 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle		Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell	
Days		Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer	
Gross		Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason	
Ridgeway	Scott	Shields	Stouffer	
Taylor	Vogel	Wheeler	Wilson—32	

Absent with leave—
Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 991, regarding Charles Wayne Hawkins, Neosho, which was adopted.

Senator Cauthorn offered Senate Resolution No. 992, regarding the One Hundredth Birthday of Fern Owen, Kahoka, which was adopted.

Senator Stouffer offered Senate Resolution No. 993, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Phillip E. Zeih, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 994, regarding the One Hundred Fifth Birthday of Dora Krause, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 995, regarding Ideal Industries, Richland, which was adopted.

Senator Crowell offered Senate Resolution No. 996, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ben Ellis, Sedgewickville, which was adopted.

Senator Gibbons offered Senate Resolution No. 997, regarding the One Hundredth Birthday of Bertha Spears Evans, Kirkwood, which was adopted.

Senator Loudon offered Senate Resolution No. 998, regarding Julie Grosmann, Ballwin, which was adopted.

Senator Mayer offered Senate Resolution No. 999, regarding Carrell F. Odom, Parma, which was adopted.

Senator Mayer offered Senate Resolution No. 1000, regarding Larry Speight, Dexter, which was adopted.

Senator Mayer offered Senate Resolution No. 1001, regarding Sharon L. Dykes, Poplar Bluff, which was adopted.

Senator Mayer offered Senate Resolution No. 1002, regarding Karen P. Hinze, Sikeston, which was adopted.

Senator Mayer offered Senate Resolution No. 1003, regarding Cheri O. Ramsey, Poplar Bluff, which was adopted.

Senator Shields offered Senate Resolution No. 1004, regarding Adam Grossman, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1005, regarding Nicholas Burton, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 1006, regarding Stephen Johnson, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1007, regarding Ruth Scott, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1008, regarding Richard Baker, Kearney, which was adopted.

Senator Stouffer offered Senate Resolution No. 1009, regarding Cole Thurman, Atlanta, which was adopted.

Senator Stouffer offered Senate Resolution No. 1010, regarding Marilyn Ratcliff, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1011, regarding Ellen Singleton, Emma, which was adopted.

Senator Scott offered Senate Resolution No. 1012, regarding Barbara McCaslin, Pittsburg, which was adopted.

Senator Champion offered Senate Resolution No. 1013, regarding Kennon Choate, Springfield, which was adopted.

Senator Graham offered Senate Resolution No. 1014, regarding Lauren Croll, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1015, regarding Josh Hosmer-Quint, Columbia, which was adopted.

Senator Dolan offered Senate Resolution No. 1016, regarding Leo Roth, Foristell, which was adopted.

Senator Vogel offered Senate Resolution No. 1017, regarding Betty Kemna, Saint Elizabeth, which was adopted.

Senator Kennedy offered Senate Resolution No. 1018, regarding David A. Welkener, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1019, regarding Charlie Granda, Maplewood, which was adopted.

Senator Bray offered Senate Resolution No. 1020, regarding Katherine Petrullo, Creve Coeur, which was adopted.

Senator Bray offered Senate Resolution No. 1021, regarding Assistant Fire Chief Michael Toomey, University City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Griesheimer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the State of Missouri, as an employer, established goals to recruit and retain employees with the objective of providing the highest quality of services to its citizen taxpayers of this state; and

WHEREAS, the State of Missouri has adopted a comprehensive benefit package for retention of its state employees which includes a defined benefit structure; and

WHEREAS, the State of Missouri has two separate retirement systems for state employees with similar benefit provisions; and

WHEREAS, the Joint Committee on Public Employee Retirement presented a report to the Missouri General Assembly addressing the issues related to the possible merger of state employee retirement systems identifying the effect of consolidation on the two systems, including:

- (1) Effect on the boards responsible for administering benefits and the impact on fiduciary duties, and governance;
- (2) Effect on funding and contribution rates and the impact on differing actuarial assumptions and methods;
- (3) Effect on investments, including returns, asset allocations, investment policies, expertise, efficiencies, expenses, economies of scale and the impact on consultants and fund managers;
- (4) Similarities and differences in retirement plan provisions, including the disability retirement, long-term disability and life insurance plans;
- (5) Impact on benefit services, information technology, records management, accounting and auditing information and other issues encompassing administrative functions;
- (6) Impact on membership which including active employees, retirees, survivors and disabled members; and

WHEREAS, ensuring the current benefit structure providing financial security in an equitable and cost-effective manner is in the best interest of the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby wish to seek a fiscally responsible solution providing future cost containment and eliminating ineffective duplication of benefit plan administration; and

BE IT FURTHER RESOLVED that, we hereby establish the "State Retirement Consolidation Commission" whose task will be to analyze the issues and objectives set forth above. The commission shall be composed of the following members:

- (1) Two members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System Board of Trustees appointed by the Governor;
- (2) Two members of the Missouri State Employees' Retirement System Board of Trustees appointed by the Governor;
- (3) Chair and Vice Chair of the Joint Committee on Public Employee Retirement;
- (4) Commissioner of Administration;
- (5) Director of the Missouri Department of Transportation;
- (6) Colonel of the Missouri State Highway Patrol; and

BE IT FURTHER RESOLVED the State Retirement Consolidation Commission shall commence immediately and shall terminate operations on December 31, 2005. The State Retirement Consolidation Commission shall furnish clear and concise policy recommendations and legislative proposals for consideration in the second regular session of Ninety-Third General Assembly.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri

Jefferson City

65101

April 7, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Daniel Scodary, M.D. to the State Board of Registration for the Healing Arts, submitted on March 30, 2005. Line 3 should be amended as follows:

“Registration for the Healing Arts, for a term ending September 3, 2008,”

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 7, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Toni R. Smith to the State Board of Registration for the Healing Arts, submitted on March 24, 2005. Line 3 should be amended as follows:

“for the Healing Arts, for a term ending September 3, 2007, and until her”

Respectfully submitted,

MATT BLUNT

Governor

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 539**.

Bill ordered enrolled.

SENATE BILLS FOR PERFECTION

SB 284, with **SCS**, was placed on the Informal Calendar.

Senator Gross moved that **SB 272**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 272

An Act to repeal sections 137.073 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to gaming boat admission fee revenue.

Was taken up.

Senator Gross moved that **SCS** for **SB 272** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 272, Page 13, Section 313.820, Line 78, by inserting immediately after said line, the following:

“5. The provisions of subsection 1 of this section limiting the amount of revenue derived from admission fees paid to a home dock city and requiring all revenue derived from such fees be used exclusively for capital expenditures, and subsections 3 and 4 of this section, shall not apply to any city of the third classification with

more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants.”.

Senator Stouffer moved that the above amendment be adopted.

Senator Ridgeway offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 272, Page 13, Section 313.820, Line 78, by inserting immediately after said line, the following:

“**5. The provisions of subsection 1 of this section limiting the amount of revenue derived from admission fees paid to a home dock city and requiring all revenue derived from such fees be used exclusively for capital expenditures, and subsections 3 and 4 of this section, shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any city of the third classification with more than six thousand seven hundred but fewer than six thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the third classification with more than twenty-five thousand seven hundred but fewer than twenty-five thousand nine hundred inhabitants, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any special charter city with more than nine hundred fifty but fewer than one thousand fifty inhabitants, any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, any city not within a county, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, and any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants.**”.

Senator Ridgeway moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **SB 272**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 272**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 362** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Stouffer offered **SS** for **SB 362**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 362

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

Senator Stouffer moved that **SS** for **SB 362** be adopted.

President Kinder assumed the Chair.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 362, Page 3, Section 135.1142, Line 26, by inserting immediately after said line the following:

“143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, “annuity, pension, or retirement allowance” shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state, **except for any annuity, pension, or retirement allowance provided as a result of service in the armed forces of the United States.** For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. An individual taxpayer shall only be allowed a maximum deduction of six thousand dollars pursuant to this section. Taxpayers filing combined returns shall only be allowed a maximum deduction of six thousand dollars for each taxpayer on the combined return.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of the first one thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999, but before January 1, 2000, and a maximum of the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002. A taxpayer shall be entitled to the maximum exemption provided by this subsection:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is

less than sixteen thousand dollars.

4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the maximum exemption provided in subsection 3 of this section reduced by one dollar for every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

5. For purposes of this section, any Social Security benefits otherwise included in Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

6. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of Social Security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of Social Security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

7. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter but subject to taxation under Internal Revenue Code Section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

8. For purposes of this section, retirement benefits received shall not include any withdrawals from qualified retirement plans which are subsequently rolled over into another retirement plan.

9. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

10. The exemptions provided for in this section shall apply to any annuity, pension, or retirement allowance as defined in subsection 1 of this section to the extent that such amounts are included in the taxpayer's federal adjusted gross income and not otherwise deducted from the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income. This subsection shall not apply to any individual who qualifies under federal guidelines to be one hundred percent disabled.

11. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances provided as a result of service in the armed forces of the United States shall be exempt from taxation under this chapter.

12. This act shall become effective January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** is out of order as it exceeds the scope of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Koster assumed the Chair.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 362, Page 1, Section A, Line 3, by inserting immediately after all of said line, the following:

“135.562. 1. This section shall be known and may be cited as the “Accessible Home Tax Credit Program”.

2. As used in this section, the following terms mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of the department of revenue;

(3) “Disability”, a physical impairment which substantially limits one or more of a person's major life activities;

(4) “Tax liability”, the tax due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo; and

(5) "Taxpayer", any non-corporate taxpayer.

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year and shall be subject to appropriation.

4. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per tax year. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

5. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars. The tax credits issued pursuant to this subsection will be on a first-come, first-served filing basis.

6. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**
- (5) Moving electrical outlets and switches;**
- (6) Installing stairway lifts;**
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;**
- (8) Modifying hardware of doors; or**
- (9) Modifying bathrooms.**

7. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

8. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed. The tax credit shall be taken against the tax imposed under chapter 143, RSMo excluding withholding taxes.

9. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

10. The provisions of this section shall apply to all tax years beginning on or after January 1, 2006.

11. The provisions of this section shall expire December 31, 2011.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 362, Page 3, Section 135.1142, Line 26, by inserting after all of said line the following:

“Section 1. 1. For all tax years beginning on or after January 1, 2006, a taxpayer who pays income tax on the receipt of any annuity, pension, or retirement allowance provided as a result of service in the armed forces of the United States shall be allowed to claim a credit against the tax otherwise due under chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, in an amount equal to the tax paid on such allowance. A taxpayer shall claim the credit allowed by this section at the time such taxpayer files a return, provided that a taxpayer who fails to file such taxpayer's return in a timely manner shall not be eligible for a credit under this section. The tax credit allowed under this section shall be nonrefundable but may be carried over to the next five succeeding taxable years until the full credit has been claimed.

2. The department of revenue is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer moved that **SS** for **SB 362**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SB 362**, as amended, was declared perfected and ordered printed.

Senator Champion moved that **SB 74** and **SB 49**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 74** and **49**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 74 and 49**

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up.

Senator Champion moved that **SCS** for **SBs 74** and **49** be adopted.

Senator Champion offered **SS** for **SCS** for **SBs 74** and **49**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 74 and 49**

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Senator Champion moved that **SS** for **SCS** for **SBs 74** and **49** be adopted.

Senator Crowell assumed the Chair.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 74 and 49, Page 2, Section 191.235, Line 8, by adding the following sub-section after subsection 3:

“4. Notwithstanding any other provision in the law to the contrary, no one will be compelled to receive a vaccine that does not comply with the mercury limits in subsection 1.”.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Clemens, Nodler and Scott.

SA 1 was adopted by the following vote:

YEAS—Senators

Bartle

Callahan

Cauthorn

Clemens

Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

NAYS—Senators

Bray	Champion	Coleman	Crowell
Days	Dougherty	Graham	Kennedy
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

Senator Champion moved that **SS** for **SCS** for **SBs 74** and **49**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SS** for **SCS** for **SBs 74** and **49**, as amended, was declared perfected and ordered printed.

Senator Klindt moved that **SB 5**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to repeal sections 94.110, 94.270, 94.360, 386.800, 393.106, 394.312, and 394.315, RSMo, and to enact in lieu thereof eight new sections relating to electric service to annexed areas.

Was taken up.

Senator Klindt moved that **SCS** for **SB 5** be adopted.

Senator Klindt offered **SS** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to repeal sections 386.800, 393.106, 394.312, and 394.315, RSMo, and to enact in lieu thereof six new sections relating to electric service to annexed areas.

Senator Klindt moved that **SS** for **SCS** for **SB 5** be adopted.

At the request of Senator Klindt, **SB 5**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 272; SB 476; SS No. 2 for SCS for SB 225; SB 232; and SS for SB 95**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS for SBs 75 and 353**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 707**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 678**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 402**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 280**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 524**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 248**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 600**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS for HB 379**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 40**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 127**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 215**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 260**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 343**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 345**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 395**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 422**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 431**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 445**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 448**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 453**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 479**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 515**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 531**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 577**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 631**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 638**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 743**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 7**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SB 225** to the Committee on Governmental

Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **HCR 11** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred the addendums appearing on pages 616 and 617 to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Green introduced to the Senate, his son, Patrick Timothy, St. Louis; and Patrick Timothy was made an honorary page.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY–TUESDAY, APRIL 12, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen

HCS for HJR 16

HCS for HB 394

HCS for HB 388

HCS for HB 64

HB 700-Moore, et al

HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SCS for SBs 75 & 353-Champion
and Wheeler

SCS for SB 272-Gross

SB 476-Scott

SS#2 for SCS for SB 225-Cauthorn

(In Fiscal Oversight)

SB 232-Loudon, et al

SS for SB 95-Coleman

SENATE BILLS FOR PERFECTION

1. SB 434-Cauthorn

2 SB 55-Klindt, with SCS

3. SB 236-Klindt and Clemens

4. SB 93-Cauthorn, with SCS
5. SB 240-Scott
6. SB 241-Scott
7. SB 339-Gross, with SCS
8. SB 220-Dolan
9. SB 470-Engler
10. SBs 365 & 204-Mayer, et al, with SCS
11. SB 376-Loudon
12. SB 64-Kennedy, with SCS
13. SB 90-Dougherty, with SCS

14. SB 214-Scott, et al, with SCS
15. SB 321-Shields
16. SB 253-Koster, with SCS
17. SBs 37, 322, 78, 351 & 424-Nodler,
with SCS
18. SB 194-Engler
19. SB 254-Engler
20. SB 373-Bartle
21. SB 287-Shields, with SCS
22. SB 481-Shields, with SCS
23. SB 500-Gibbons, et al, with SCS
24. SB 199-Gross
25. SB 402-Gibbons, et al

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 2-Loudon and Gross, with SCS
- SB 5-Klindt, with SCS & SS for
SCS (pending)
- SB 12-Cauthorn and Klindt
- SB 29-Dolan, with SCS & SA 1 (pending)
- SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
- SB 152-Wilson, with SCS
- SB 160-Bartle, et al, with SS (pending)
- SB 185-Loudon, et al, with SA 1 (pending)
- SB 284-Cauthorn and Clemens,

with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 316-Dolan, with SCS (pending)
SB 324-Scott, with SCS
SB 348-Clemens

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with SCS
HB 678-Byrd, with SCS
HB 402-Schaaf, et al
HB 280-Walsh, et al
HB 524-May, et al (Scott)
HB 248-Pearce
HB 342-Baker (123) (Koster)
HB 600-Cooper (155), et al
HCS for HB 379
HB 40-Tilley
HCS for HB 47, with SCS
HB 127-Bivins (Griesheimer)
HCS for HB 215
HB 260-Deeken (Vogel)
HB 343-Baker (123), with SCS

HB 345-Baker (123)
HB 395-Wood (Taylor)
HCS for HB 422
HB 431-Wright (137)
HB 445-Guest and Whorton
HCS for HB 448
HB 453-May, et al (Crowell)
HB 479-Ervin
HCS for HB 515, with SCS (Taylor)
HCS for HB 531
HCS for HB 577
HCS for HB 631
HB 638-Cunningham (86), with SCS
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al

RESOLUTIONS

To be Referred

SCR 13-Griesheimer

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster
SCR 7-Loudon

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY— TUESDAY, APRIL 12, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“Be you therefore merciful, as your Father also is merciful.” (Luke 6:36)

Gracious God, we know that many times we are more quick to judge than we are to forgive and You have taught us that this is the opposite of mercy; so we pray that our hearts may be warmed by Your love and our lives may reflect this love in our dealings with one another and those who seek much from us. And we pray for the Spirit-given graces that include our actions to express mercy, be slow in judgment and have a readiness to forgive. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—

None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senators Champion and Klindt offered Senate Resolution No. 1022, regarding Melissa Barnett, Maryville, which was adopted.

Senators Champion and Loudon offered Senate Resolution No. 1023, regarding Ashley Margason, Ballwin, which was adopted.

Senators Champion and Griesheimer offered Senate Resolution No. 1024, regarding Kayla Birke, Washington, which was adopted.

Senators Champion and Dolan offered Senate Resolution No. 1025, regarding Desirae Lewis, Moscow Mills, which was adopted.

Senators Champion and Scott offered Senate Resolution No. 1026, regarding Erika Hixon, Warsaw, which was adopted.

Senators Champion and Purgason offered Senate Resolution No. 1027, regarding Joni Dixon, Hartville, which was adopted.

Senators Champion and Nodler offered Senate Resolution No. 1028, regarding Brittani Lindsey, Neosho, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1029, regarding Jessica Tollison, Union, which was adopted.

Senator Bartle offered Senate Resolution No. 1030, regarding Barbara Kates, Oak Grove, which was adopted.

Senator Loudon offered Senate Resolution No. 1031, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Drury, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Purgason offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, gasoline, one of the main products refined from crude oil, accounts for approximately 17% of the energy consumed in the United States; and

WHEREAS, the cost to produce and deliver gasoline to consumers includes the cost of crude oil to refiners, refinery processing costs, marketing and distribution costs, and finally the retail station costs and taxes. The prices paid by consumers at the pump reflect these costs, as well as the profits of refiners, marketers, distributors, and retail station owners; and

WHEREAS, in 2003, the price of crude oil averaged \$28.50 per barrel, and crude oil accounted for about 44% of the cost of a gallon of regular grade gasoline. In 2005, the price of a barrel of crude oil soared to an all-time high of more than \$58 per barrel, resulting in the average price of gasoline rising to more than \$2 per gallon. Gasoline prices are predicted to exceed \$2.50 per gallon in the peak summer months and may reach an incredible \$3 per gallon; and

WHEREAS, while federal, state, and local taxes account for approximately 27% of the cost of a gallon of gasoline, refining costs and profits comprise about 15% of the retail price of gasoline, and distribution, marketing, and retail dealer costs and profits combined make up 14% of the cost of a gallon of gasoline, the primary component driving up the cost of gasoline prices in 2005 is the unprecedented price of crude oil; and

WHEREAS, events in the crude oil market have been a major factor in all of the recent rises in gasoline prices, including OPEC crude oil production cuts and turmoil in key oil producing countries; and

WHEREAS, in addition to the steep rise in crude oil prices, problems with petroleum infrastructure in the United States, such as refineries and pipelines,

have contributed to the recent increased cost of gasoline. Refineries in the United States are operating at maximum capacity and are experiencing difficulty in keeping up with the demand for gasoline in this country; and

WHEREAS, in addition, some areas of the United States are required to use special oxygenated, reformulated, and low-volatility gasolines due to environmental programs aimed at reducing carbon monoxide, smog, and air toxins. Other environmental programs restrict the transportation and storage of gasoline; and

WHEREAS, with a number of states passing legislation to restrict the use of the gasoline additive MTBE, large changes to gasoline production and distribution are required; and

WHEREAS, with the recent unprecedented rise in crude oil prices and the problems with the petroleum infrastructure in the United States, it is imperative that the United States explore a number of avenues to reduce our nation's demand on foreign oil and increase the supply of gasoline in this country:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to investigate the recent sharp rise in gasoline prices in the United States and explore ways to reduce the price of gasoline, including utilization of alternate fuels; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional Delegation.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 362**; and **SS** for **SCS** for **SBs 74** and **49**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 361** and **HB 684**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 688**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 269**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 630**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 567**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 486**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 362**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 456**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Gibbons referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Scott requested unanimous consent of the Senate to correct the report from the Committee on Financial and Governmental Organizations and Elections made April 11, 2005, by submitting the correct Senate Committee Substitute for **HB 678**, which request was granted.

SENATE BILLS FOR PERFECTION

SB 434 was placed on the Informal Calendar.

SB 55, with **SCS**, was placed on the Informal Calendar.

SB 236 was placed on the Informal Calendar.

SB 93, with **SCS**, was placed on the Informal Calendar.

SB 240 was placed on the Informal Calendar.

SB 241 was placed on the Informal Calendar.

SB 339, with **SCS**, was placed on the Informal Calendar.

SB 220 was placed on the Informal Calendar.

SB 470 was placed on the Informal Calendar.

SB 365 and **SB 204**, with **SCS**, were placed on the Informal Calendar.

SB 376 was placed on the Informal Calendar.

SB 64, with **SCS**, was placed on the Informal Calendar.

SB 90, with **SCS**, was placed on the Informal Calendar.

SB 214, with **SCS**, was placed on the Informal Calendar.

SB 321 was placed on the Informal Calendar.

SB 253, with **SCS**, was placed on the Informal Calendar.

SB 37, **SB 322**, **SB 78**, **SB 351** and **SB 424**, with **SCS**, were placed on the Informal Calendar.

SB 194 was placed on the Informal Calendar.

SB 254 was placed on the Informal Calendar.

SB 373 was placed on the Informal Calendar.

Senator Shields moved that **SB 287**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal sections 148.360, 149.015, 160.264, 160.415, 160.531, 160.534, 160.550, 161.527, 162.081, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 166.260, 166.275, 167.126, 167.151, 167.332, 168.515, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof thirty-six new sections relating to education, with an effective date and penalty provisions.

Was taken up.

Senator Shields moved that **SCS** for **SB 287** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 287**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal sections 148.360, 149.015, 160.264, 160.415, 160.531, 160.534, 160.550, 161.527, 162.081, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 166.260, 166.275, 167.126, 167.151, 167.332, 168.515, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof thirty-seven new sections relating to education, with an effective date and penalty provisions.

Senator Shields moved that **SS** for **SCS** for **SB 287** be adopted.

Senator Koster assumed the Chair.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 22, Section 163.011, Line 21, by striking the words "greater than 1.1 or"; and further amend lines 22 and 23, by striking said lines and inserting in lieu thereof the following: "shall the".

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Shields, **SB 287**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 539**; and **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SB 539**; and **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 287**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 64, Section 163.044, Line 7, by striking the word “five” and inserting in lieu thereof the following: “**ten**”.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 131, Section B, Lines 45-46 of said page, by striking all of said section and inserting in lieu thereof the following:

“Section B. The provisions of the new formula shall take effect only upon a determination that the assessment practices utilized in determining the local property tax deduction under the new formula are fair and equitable. Such determination that the assessment practices are fair and equitable shall be affirmed by the state board of education.

The state board of education shall contract with experts who have performed research and analysis in assessment practices, who shall present a report to the state board of education based on their findings and recommendations. If the state board of education finds a ratio of assessed valuation to fair market value is not less than eighty percent for all counties, the system shall be determined to be fair and reasonable.

The provisions of this act shall not go into effect until the state board of education makes a determination that the assessment practices are fair and equitable.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 120, Section 360.106, Line 6, by inserting after all of said line the following:

“**Section 1. The joint committee on tax policy, as established in section 21.810, RSMo, shall review and analyze the local property tax assessment practices of this state. The committee shall make recommendations to the general assembly regarding its findings with regard to the state's assessment practices.**”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 9, Section 160.415, Line 26, by inserting after all of said line, the following:

“160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order to be eligible for state aid distributed pursuant to section 163.031, RSMo, a school district shall allocate one percent of moneys received pursuant to section 163.031, RSMo, exclusive of categorical add-ons, to the professional development committee of the district as established in subdivision (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the professional development committee in any fiscal year as specified by this subsection, seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined by the professional development committee after consultation with the administrators of the school district and approved by the local board of education as meeting the objectives of a school improvement plan of the district that has been developed by the local board. Moneys expended for staff training pursuant to any provisions of this act shall not be considered in determining the requirements for school

districts imposed by this subsection.

2. Beginning with fiscal year 1994 and for all fiscal years thereafter, [ninety percent of one percent] **eighteen million dollars** of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed by the commissioner of education to address statewide areas of critical need for learning and development as determined by rule and regulation of the state board of education with the advice of the commission established by section 160.510 and the advisory council provided by subsection 1 of section 168.015, RSMo. The moneys described in this subsection may be distributed by the commissioner of education to colleges, universities, private associations, professional education associations, statewide associations organized for the benefit of members of boards of education, public elementary and secondary schools, and other associations and organizations that provide professional development opportunities for teachers, administrators, family literacy personnel and boards of education for the purpose of addressing statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys. "Statewide areas of critical need for learning and development" shall include:

- (1) Funding the operation of state management teams in districts with academically deficient schools and providing resources specified by the management team as needed in such districts;
- (2) Funding for grants to districts, upon application to the department of elementary and secondary education, for resources identified as necessary by the district, for those districts which are failing to achieve assessment standards;
- (3) Funding for family literacy programs;
- (4) Ensuring that all children, especially children at risk, children with special needs, and gifted students are successful in school;
- (5) Increasing parental involvement in the education of their children;
- (6) Providing information which will assist public school administrators and teachers in understanding the process of site-based decision making;
- (7) Implementing recommended curriculum frameworks as outlined in section 160.514;
- (8) Training in new assessment techniques for students;
- (9) Cooperating with law enforcement authorities to expand successful antidrug programs for students;
- (10) Strengthening existing curricula of local school districts to stress drug and alcohol prevention;
- (11) Implementing and promoting programs to combat gang activity in urban areas of the state;
- (12) Establishing family schools, whereby such schools adopt proven models of one-stop state services for children and families;
- (13) Expanding adult literacy services; and
- (14) Training of members of boards of education in the areas deemed important for the training of effective board members as determined by the state board of education.

3. Beginning with fiscal year 1994 and for all fiscal years thereafter, [ten percent of one percent] **two million dollars** of the moneys appropriated to the department of elementary and secondary education otherwise distributed to the public schools of the state pursuant to the provisions of section 163.031, RSMo, exclusive of categorical add-ons, shall be distributed in grant awards by the state board of education, by rule and regulation, for the "Success Leads to Success" grant program, which is hereby created. The purpose of the success leads to success grant program shall be to recognize, disseminate and exchange information about the best professional teaching practices and programs in the state that address student needs, and to encourage the staffs of schools with these practices and programs to develop school-to-school networks to share these practices and programs.

4. The department shall include a listing of all expenditures under this section in the annual budget documentation presented to the governor and general assembly.

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 26, Section 163.011, Line 5, by striking the words "the actual" and further amend lines 6 to 7 of said page, by striking said lines and inserting in

lieu thereof the following: “**a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;**”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 5, Section 149.015, Line 26 of said page, by inserting after all of said line the following:

“160.400. 1. A charter school is an independent[, publicly supported] **public** school.

2. **Except as otherwise provided in this section,** charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]

(3) A community college located in the district;

(4) **Any four-year college or university, public or private, with an approved teacher preparation program;**
or

(5) **The mayor of a city not within a county or of a home rule city with more than four hundred thousand inhabitants and located in more than one county.**

3. [A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.] **Each school district in which charter schools are permitted shall establish procedures for offering the right of first refusal for sale or lease of any buildings owned by the school district when such buildings are not used by the district for their educational purposes or otherwise previously contractually obligated to another party.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. **The expenses associated with sponsorship of charter schools shall be defrayed by the department retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 with regard to each charter school it sponsors.**

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located[, when] **and to the state board of education, within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; [and]
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; **and**
- (6) **A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district**

but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision **of approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial;**

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, **that the applicant is sufficiently qualified to operate the charter school**, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable;** and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, [it] **the charter application** shall be submitted to the state board of education [which], **along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may**, within [forty-five] **sixty** days, disapprove the granting of the charter. The state board of education may disapprove a charter [only] on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 **or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.**

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, **county, or city** relating to health, safety, and **state** minimum educational standards, **as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;**

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the secretary of state's**

Internet web site in lieu of other publishing requirements, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) **(a)** Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years **or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education ninety days' written notice prior to the effective date of such agreement. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.**

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more

provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information**, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, **which may require a change of methodology, a change in leadership, or both**, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the [board of directors] **governing board** of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's [board of directors] **governing board** may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) **A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.**

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] **10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.**

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. Any nonprofit corporation operating a charter school shall maintain a surety bond in an amount not less than the total funds to be received by the charter school under section 160.415 in any given school year as determined by the department of elementary and secondary education.

160.410. 1. A charter school shall enroll all pupils resident in the district in which it operates or eligible to attend a district's school under an urban voluntary transfer program who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or

socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located, the following information:

(1) The school's charter;

(2) The school's most recent annual report card published according to section 160.522; and

(3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees for furnishing copies of documents under this subsection.

Further amend said bill, Page 6, Section 160.415, Lines 18 to 28 of said page, by striking said line; and

Further amend said bill and section, Page 7, Lines 1 to 16 of said page, by striking said lines and inserting in lieu thereof the following: "an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo. **If a charter school declares itself as a local education agency, the department of elementary and secondary education shall upon notice of the declaration reduce the payment made to the school district by the amount specified in this subdivision and pay directly to the charter school the annual amount reduced from the school district's payment.**

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child. **If a charter school declares itself a local education agency, the department of elementary and secondary education shall upon notice of the declaration withhold an amount equal to any other federal or state aid or local revenue for which the school would be eligible that would otherwise flow through the department of elementary and secondary education to the district and shall pay directly to the charter school such aid that the district receives on account of such child.**

(3) **If the department overpays or underpays the amount due to the charter school, such over payment or under payment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.**

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

[(4) A school district] (5) **The department of elementary and secondary education** shall pay the amounts due

pursuant to this subsection as the disbursal agent [and no later than twenty days following receipt of any such funds] **within five days of the required due date.**

[(5) The per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.]”; and further amend lines 25 and 26 of said page, by striking said lines and inserting in lieu thereof the following: “of overpayment or underpayment shall be adjusted [in its next payment] **equally in the next twelve payments** by the school district or the department of elementary”; and

Further amend said bill and section, Page 8, Line 4 of said page, by inserting at the end of said line the following: **“During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school educational setting.”**; and

Further amend said bill, Page 9, Section 160.415, Line 26 of said page, by inserting after all of said line the following:

“160.420. 1. **Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that** if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. [A] **The district's policy shall provide that any** teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and **retains such teacher's** seniority rights in the district **for three years**. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All [noncertified] **noncertificated** instructional personnel shall be supervised by [certified] **certificated** instructional personnel. **A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. **The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education.** Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

4. The charter school and a local school board may agree by contract for services to be provided by the school

district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.”; and

Further amend said bill, Page 131, Section 166.260, Line 43 of said page, by inserting after all of said line the following:

“[167.349. In any school district to which any provisions of sections 167.340 to 167.346 apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies.]”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Shields, **SB 287**, with **SCS, SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 43**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 53**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 155**, begs leave to report that it has

considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 243**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 423**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 528**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 618**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 119**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HBs 163, 213 and 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 219**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 236**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 261**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 323**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 606**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 473**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 258**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1032, regarding the One Hundred Fiftieth Anniversary of La Plata, which was adopted.

Senator Purgason offered Senate Resolution No. 1033, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jim Franklin, Camden County, which was adopted.

Senator Kennedy offered Senate Resolution No. 1034, regarding Emily Meitz, St. Louis, which was adopted.

Senator Graham offered Senate Resolution No. 1035, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Bob Prins, Kentwood, Michigan, which was adopted.

Senator Kennedy offered Senate Resolution No. 1036, regarding Carol Baras, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1037, regarding Sondra D. "Sandy" Rangel, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 1038, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Bange, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1039, regarding Mr. and Mrs. Charles Edward Heath, Pleasant Valley, which was adopted.

Senator Stouffer offered Senate Resolution No. 1040, regarding the birth of Mitchell Wayne Goodloe, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1041, regarding the birth of Abigail Christine Stoll, Corder, which was adopted.

Senator Stouffer offered Senate Resolution No. 1042, regarding the birth of Logan Michael Suttner, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 1043, regarding the birth of Dustin Dean White, Jr., which was adopted.

Senator Crowell offered Senate Resolution No. 1044, regarding John Hinton, Charleston, which was adopted.

Senator Green offered Senate Resolution No. 1045, regarding Teira Worthy, Jennings, which was adopted.

Senator Crowell offered Senate Resolution No. 1046, regarding Regina Rainey, Glenallen, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 287**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

Senator Days offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 160.400, Lines 17 and 18, by striking said lines and renumber the subdivisions accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 2** to **SA 6**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Lines 19-21, by striking said lines.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3** to **SA 6**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 160.400, Line 22, by striking the opening bracket “[”]; and further amend page 2, lines 4 to 9 by striking all of said lines and inserting in lieu thereof the following: “purposes.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 3** to **SA 6** was withdrawn.

Senator Coleman raised the point of order that **SA 6**, as amended, is out of order as it goes beyond the scope and the purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Nodler assumed the Chair.

SA 6, as amended, was again taken up.

Senator Bray offered **SA 4** to **SA 6**, which was read:

SENATE AMENDMENT NO. 4 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 2, Section 160.400, Lines 4-9, by striking all of said lines and inserting in lieu thereof the following: “purposes.]”.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 5** to **SA 6**, which was read:

SENATE AMENDMENT NO. 5 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 160.400, Line 21, by inserting immediately after said line the following “**In school districts where charter schools are operating, upon full accreditation of such school district, charters schools shall cease operation within two years of the date of full accreditation of such school district.**”; and

And further amend by renumbering subsequent subsection accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Loudon moved that **SA 6**, as amended, be adopted, which motion prevailed.

Senator Graham offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 165.011, Page 95, Line 9 of said page, by inserting after all of said line the following:

“165.012. 1. Each school district shall annually report to the department of elementary and secondary education, within thirty days, the following district information as of December thirty-first of the current school year;

(1) The district’s unrestricted fund balance in the incidental fund and in the teacher’s fund;

(2) The amount of tax anticipation borrowed funds placed in the incidental fund and in the teacher’s fund since the beginning of the school year; and

(3) The net amount of transfer from the incidental fund and teacher’s fund to the capital projects fund and to the debt service fund since the beginning of the school year.

2. For the 2005-2006 school year, each school district shall also provide the same information required under subsection 1 of this section as of December 31, 2003, and as of December 31, 2004.

3. The information reported under this section shall be included on the department's website, for the current school year and for each of the preceding four school years to the extent that such information was required to be reported under subsections 1 and 2 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee for Senate Bill No. 287, Page 120, Section 360.106, Line 6, by inserting after all of said line:

“Section 1. If a school district has a combined balance remaining at the end of the most recently completed fiscal year in their teachers' and incidental funds of greater than twenty-five percent of the amount expended from such funds during the previous fiscal year, such amount in excess of twenty-five percent shall be reduced from their subsequent year formula payment as determined under section 163.031, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion failed.

Senator Green offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 99, Section 165.016, Line 23, by inserting after all of said line the following:

“165.121. 1. The school board of each seven-director district shall cause an audit examination to be made at least biennially of all financial, transportation and attendance records of the districts. Such examination shall be made in accordance with generally accepted auditing standards applicable in the circumstances, including such reviews and tests of the system of internal check and control and of the books, records and other underlying data as are necessary to enable the independent accountant performing the audit to come to an informed opinion as to the financial affairs (including attendance and transportation transactions) of the district. An independent auditor who is not regularly engaged as an employee of the school board shall perform the audit and make a written report of his findings.

2. The board shall supply each member thereof with a copy of the report and in addition shall furnish one copy each to the state department of elementary and secondary education and to the superintendent of schools of the county in which the district is located. The cost of the audit and report shall be paid for out of the incidental fund of the district.

3. The report shall contain the following information:

(1) A statement of the scope of examination;

(2) The auditor's opinion as to whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances;

(3) The auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;

(4) The auditor's opinion as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles applicable to school districts;

(5) The reason or reasons an opinion is not rendered with respect to items (3) and (4) in the event the auditor is unable to express an opinion with respect thereto;

(6) The auditor's opinion as to whether the district's budgetary and disbursement procedures conform to the requirements of chapter 67, RSMo;

(7) The auditor's opinion as to whether attendance and transportation records are so maintained by the district as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;

(8) Financial statements presented in such form as to disclose the operations of each fund of the school district and a statement of the operations of all funds.

4. The school board shall furnish the state department of elementary and secondary education with its copy of the audit report not later than October thirty-first following the close of the fiscal period covered by the audit unless, for

good cause shown prior to such date, the commissioner of education or some officer of the department of elementary and secondary education designated by him for this purpose grants an extension of time, not to exceed sixty additional days, for the filing of the report. In the event the report in the approved form is not filed within the period or extension thereof, further state aid to the district shall thereafter be withheld until the audit report has been received by the department of elementary and secondary education.

5. Within thirty days of the receipt of the audit report the school board shall cause a summary of the report to be prepared which shall include, together with any other matter the board deems appropriate, the following:

(1) A summary statement of fund balances and receipts and disbursements by major classifications of each fund and all funds;

(2) A summary statement of the scope of the audit examination;

(3) The auditor's opinion on the financial statements included in the audit report.

Immediately upon the completion of the summary, the school board shall cause it to be published once in a newspaper within the county in which all or a part of the district is located which has general circulation within the district or, if there is none, then the board shall cause the summary to be posted in at least five public places within the district. The publication shall contain information as to where the audit report is available for inspection and examination. The report shall be kept available for such purposes thereafter.

6. The state Auditor shall have the authority to audit any public school district in the state.”; and
Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 2, Section A, Line 2, by inserting after all of said line the following:

“138.200. 1. Each commissioner shall be a qualified voter and taxpayer, **a state-licensed real estate appraiser as defined in section 339.503, RSMo**, and resident of the state for at least five years next preceding his appointment. At all times the state tax commission shall be so constituted that not more than two members shall be of the same political party. **The requirement that a commissioner be a state-licensed real estate appraiser shall apply only to persons first serving on the commission after July 1, 2006.**

2. In the event of a vacancy occurring while the general assembly is not in session, the governor may appoint a temporary member of the commission to serve until such time as a permanent appointment can be made with the advice and consent of the senate.

3. Each commissioner shall devote his full time and efforts to the discharge of his duties and shall not accept any private employment of any kind or nature while serving on the commission nor hold any other office under the laws of this state, or any city, or county, or city and county, in this state, nor any office under the government of the United States.

4. No commissioner or employee of the commission shall hold any position of profit, engage in any occupation or business interfering with, or inconsistent with, his duties as commissioner or employee. No person is eligible to appointment or shall hold the office of commissioner, or be appointed by the commission, or hold any office or position under the commission, who holds any official office or position or who is a stockholder or who is in any wise pecuniarily interested in any common carrier, public utility, or any other corporation whose original assessment is made by the commission, as provided by this chapter. The words “original assessment” as used herein shall not be held or construed to include the assessment of corporation franchise tax.

138.236. 1. Each state tax commissioner serving on **or after** August 13, [1984] **2006**, shall prepare and submit to the governor a report on the progress and status of the statewide reassessment program. Such report shall be submitted annually by each commissioner [until the expiration of the term that he is serving on August 13, 1984].

2. For the performance of the duties imposed under the provisions of subsection 1 of this section, each commissioner shall receive a sum that, when added to the other compensation paid to that commissioner prior to August 13, [1984] **2006**, will equal the sum provided by adding together the compensation specified by sections 138.230, 138.235, 138.440, and 138.445. This sum shall be paid in the same manner as other compensation is paid.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 10** is out of order, as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Graham offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 131, Section 166.260, Line 43 of said page, by inserting after all of said line, the following:

“Section 1. 1. This act shall be known as the No Assessor Left Behind Act.

2. The state tax commission shall ensure that all property assessments reach one hundred percent of market value by July 1, 2015 according to the following schedule:

(1) Assessments shall be no less than ninety percent of market value by July 1, 2006;

(2) For each succeeding year, the assessment percentage requirement shall increase by one percentage point until the requirement reaches one hundred percent of market value;

(3) County assessors shall meet the assessment percentage for all parcels of property and also for each of the following subgroups: agricultural real property, residential real property, commercial real property and tangible personal property;

(4) Any county assessor whose assessments do not meet the requirements of this subsection shall be declared “in need of improvement” and shall be subject to sanctions under subsection 3.

3. (1) Assessors in need of improvement for one year shall receive supplemental services from the state tax commission to improve assessments.

(2) Assessors in need of improvement for two years shall allow property owners to request assessment of their property by another assessor not declared in need of improvement and located in an adjoining county.

(3) Assessors in need of improvement for three years shall be subject to restructuring or replacement by the state tax commission.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Graham, **SA 11** was withdrawn.

Senator Wilson offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 57, Section 163.036, Line 13 of said page, by striking the opening bracket “[” on said line; and further amend line 14 of said page, by striking the words “number of eligible pupils” and inserting in lieu thereof **“weighted average daily attendance”**; and further amend line 15 of said page, by striking the closing bracket “]” after the word “year”.

Senator Wilson moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 10, Section 160.534, Line 6, by inserting immediately after said line the following:

“160.670. 1. A school board member in any school district may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, and the petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add his or her signature his or her place of residence, giving the street and number. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements made on the paper are true as he or she believes and that each signature to the paper appended is the genuine signature of the person whose

name it purports to be.

2. Within thirty days from the date of the filing the petition, the election authority shall examine and ascertain whether the petition is signed by the requisite number of voters. The election authority shall attach to the petition his or her certificate, showing the result of the examination. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his or her certificate shall show the amended petition to be insufficient, it shall be returned to the person filing the amended petition, without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the election authority shall submit the petition to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

3. If a majority of the voters vote in favor of retaining the member, the member shall remain in office and shall not be subject to another recall election during his or her term of office. If a majority of the voters vote to remove the member, his or her successor shall be chosen as provided in section 162.261, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 13** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Wilson offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 24, Section 163.011, Line 11 of said page, by inserting immediately after the word “districts” the following: “, **except that for any school district with a free and reduced lunch population of over seventy percent, the threshold amount shall be zero**”.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Ridgeway offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 166.260, Page 131, Line 43 of said page, by inserting after all of said line the following:

“**Section 1. Each school district shall annually report to the department of elementary and secondary education, no later than September first of the current school year, the total compensation package, expressed in dollars, for each school administrator, including the superintendent, all assistant superintendents principals and assistant principals. If consultants are hired to do any of the above administrative duties, the district shall report the total compensation package of each such consultant. The disclosure shall be made separately for each individual administrator. The information reported under this section shall be included on the department’s website for the remainder of the school year and shall be maintained for the remainder of the school year on the district’s website, if the district maintains a website.**”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Engler offered **SA 1** to **SA 15**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 1, Line 3 of said section, by inserting after the word “package”: “, **including retirement benefits**”; and

Further amend line 6 of said section by inserting after the word “package”: “, **including retirement benefits**”.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway moved that **SA 15**, as amended, be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Graham offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 131, Section 166.260,

Line 43 of said page, by inserting after all of said line, the following:

“Section 1. The state board of education shall annually determine the total amount of revenue estimated as necessary to fully fund the state school aid formula established pursuant to section 163.031, RSMo, for the following school year and shall report this amount to the governor, general assembly and commissioner of administration no later than January 1 of the current school year. The commissioner of administration shall transfer the entire amount of necessary revenue as determined by the state board of education from the general revenue fund to the state school moneys fund, which shall be used to fully fund the state school aid formula and for no other purpose.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Dougherty and Wilson.

SA 16 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Engler	Gibbons
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

Absent—Senators—None

Absent with leave—Senator
Wheeler—1

Vacancies—2

Senator Dougherty offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 10, Section 160.534, Line 6, by inserting immediately after said line the following:

“160.663. The department of health and senior services is authorized to receive and may investigate written complaints regarding indoor air quality made by any employee of any public school in the state. Upon receipt of such complaint, the department of health and senior services may investigate, determine the origin of the problem, and make recommendations to the school regarding mitigation of the problem.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 17** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Wilson offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 32, Section 163.011, Line 8, by inserting after "threshold" the following: "**, plus the product of one and twenty-five hundredths times the average daily attendance for summer school**".

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 108, Section 167.332, Line 11, by inserting immediately after all of said line the following:

"168.281. 1. After completion of satisfactory probationary service, appointments of employees shall become permanent subject to removal for any one or more causes herein described as well as to the right of the board to terminate services of all who attain the age of compulsory retirement fixed by the retirement system.

2. (1) No employee whose appointment has become permanent may be removed, aside from compulsory retirement, except for one or more of the following causes: Immorality, **felony conviction of a crime under any state or federal criminal statute**, inefficiency **or incompetency** in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or that his physical or mental condition is such that it incapacitates him from properly performing his duties or from properly associating with children, and then only after the personnel director has given written notice to the employee, by registered mail with return receipt of his suspension and proposed discharge. The registered letter is to notify the employee

(a) Of the charges on which the suspension and proposed discharge is based;

(b) Of the date, time, and place of the hearing of the charges by the personnel committee;

(c) Of the employee's right to be present at the hearing and to have counsel or other representative of his choice;

(d) Of his right to testify and to offer testimony of witnesses as well as other evidence sustaining his defense, and to cross-examine adverse witnesses and to generally conduct a defense;

(e) And of the necessity, in order for him to avail himself of the aforesaid opportunity to defend himself against the charges, that he notify the personnel director in writing, at least three days before the date of the hearing, of his intention to offer the defense.

(2) The hearing of the committee is to be held not less than ten nor more than fifteen days after the mailing date of the notice of hearing to the employee, except by mutual agreement of the committee and the employee. Failure of the employee to give the three days' notice in writing of his election to defend, or having given the notice, failure of the employee to appear at the hearing, shall each be considered by the committee as an admission of the truth of the charges and the committee may rule accordingly. The committee may, in its discretion, to avoid undue hardship, and upon a sufficient showing by the employee of valid and cogent reasons for his failure to notify the committee of his election to defend, or of his subsequent failure to appear at the hearing, reset the hearing in the same manner as before.

(3) Upon conducting the hearing of the charges, or if no defense is offered, upon considering the charges, the personnel committee by majority vote shall make its decision as soon as practicable and shall immediately thereafter notify the employee of its decision by registered mail. The committee may rule

(a) That the employee's suspension was justified and that he is discharged with loss of pay as of the date of his suspension;

(b) That the suspension was unjustified and no grounds calling for his discharge have been proven and that the employee shall immediately be restored to his former position without any loss of pay;

(c) That the proven charges are of such a nature that they can be removed or remedied by transferring the employee to a different position, grade, classification, school or building in which case the employee shall lose no pay during his suspension prior to the committee's decision;

(d) Or the committee may make any ruling, less severe than that of discharge, which the committee may deem meet and just under the circumstances including suspension with the loss of pay. The decision of the personnel

committee shall be final; provided, however, that upon the request of the employee affected the board shall review the record of the proceedings before the personnel committee and may, in its discretion, grant the employee a hearing before the board. Upon hearing the board may affirm, rescind or modify the decision of the committee and make any other orders in connection therewith that are appropriate under the circumstances.

3. No employee whose appointment has become permanent shall be suspended without pay, nor be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the employee because of inefficiency in line of duty, and any employee whose salary is reduced or who is demoted may waive the presentment of charges against him and a hearing thereon by the committee. Nothing herein shall in any way restrict or limit the powers of the board of education to make reductions in the number of employees because of insufficient funds or decrease in pupil enrollment or lack of work.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **SB 287**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SCS** for **SB 287**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Dolan requested unanimous consent of the Senate to correct the Transportation Committee report on **HB 528** to reflect the adoption of a Senate Committee Substitute, which request was granted.

Senator Crowell requested unanimous consent of the Senate to have **HCS** for **HB 606** returned to the Committee on Pensions, Veterans’ Affairs and General Laws, as it was mistakenly turned in as a consent bill when in fact, it is not, which request was granted.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 362** to the Committee on Governmental Accountability and Fiscal Oversight.

BILLS DELIVERED TO THE GOVERNOR

SS for **SB 539**; and **HCS** for **SCS** for **SBs 202, 33, 45, 183** and **217**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

On behalf of Senators Dolan, Klindt, Purgason, Scott and herself, Senator Champion introduced to the Senate, Barbara Cooper, Joanne Breckenridge, Desirae Lewis, Melissa Lynn Barnett, Joni Dixon, Erika Hixon and Amber Sandner, representatives of Missouri Federation of Republican Women.

Senator Gibbons introduced to the Senate, Jay Swoboda, St. Louis.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Edmond Weisbart, M.D., Olivette.

Senator Bray introduced to the Senate, Ben Johnson, St. Louis.

Senator Dolan introduced to the Senate, Rose Mack, O’Fallon; and her grandchildren, Nicholas, Olivia and Noelle Mack, St. Charles.

Senator Wilson introduced to the Senate, Jessie Carpenter and Lorene James, Kansas City.

Senator Wilson introduced to the Senate, Rena Watson, Crystal Nance and Soy Ojo, Kansas City.

Senator Wilson introduced to the Senate, Councilman Terry Riley, Kansas City.

Senator Green introduced to the Senate, his son Patrick, Father Massen, Mr. Almond, Mrs. Kramer and thirty-six seventh grade students from St. Angela Merici School, Florissant; and Megan Boschert, Anthony Gibbons, Kelley Gravlin and Patrick Green were made honorary pages.

Senator Loudon introduced to the Senate, Sean Allison, Dan Hurt, Amy Saucier, Christine Dilisio, Kari Lenz and Jeni Koemgsfeld, Chesterfield; and Chris Borgeson, Mexico, representatives of YMCA Youth in Government.

Senator Gross introduced to the Senate, Ruth Bruns, Catherine Rauscher and Monica Durrwachter, representatives of Missouri Federation of Republican Women, St. Charles.

Senator Gibbons introduced to the Senate, one hundred fifth grade students from Barretts Elementary School, Manchester.

Senator Gibbons introduced to the Senate, Sam Barrett, Bryan Pope, Alex Ricke, Katie Pitts, Lydia Fakes, Jessica

Connelly, Katie Benyo, George Stern, Doug Hechler and Brett Rowles, representatives of YMCA Youth in Government.

Senator Klindt introduced to the Senate, Briana and Louana Holmer, Chillicothe.

Senator Griesheimer introduced to the Senate, Jackie Miller, Michelle Turner, Susan Hellman, Brenda Kleinheidin, Maryn Struckhoff, Kayla Birke, Corbin Bridge, Ryan O'Toole, Amy Miller, Elizabeth Turner, Eliza and Alana Thurston and Caleb and Emily Piontek, representatives of Missouri Federated Women's Club, Washington; and Kayla, Corbin, Ryan, Amy, Elizabeth, Eliza, Alana, Caleb and Emily were made honorary pages.

Senator Scott introduced to the Senate, Brenda Charles, Mrs. Carolyn Allison and twenty eighth grade students from Hermitage R-IV Middle School.

Senator Bartle introduced to the Senate, Danae Arnett, her parents, Dale and Linda Arnett, and Kathy Deshon, Independence.

Senator Clemens introduced to the Senate, Chris Kohn, Nixa Federated Republican Women.

Senator Coleman introduced to the Senate, Pablo Quintanilla, Ballwin.

Senator Cauthorn introduced to the Senate, Lacy Hunolt, Bethel; Stacey Craigmyle, North Shelby County; Kathleen Wilham, Shelbyna; and Donna Myers and Debbie Coonrod, Shelbyville; and Lacy was made an honorary page.

Senator Cauthorn introduced to the Senate, Curt and Lori Gilliland, Charla Golden, Dylan Felice, Josiah Bedford and Daniel Floyd, Kirksville.

Senator Nodler introduced to the Senate, Charity and Brian Bayless and their son, Joshua, Lockwood.

Senator Stouffer introduced to the Senate, seventh and eighth grade students from St. Paul Lutheran School, Concordia.

Senator Bartle introduced to the Senate, his son Mack, Jan and Austin Nicholas, Debbie and Levi Dalton and Jonathan Spalding, Lee's Summit; and Mack, Austin, Levi and Jonathan were made honorary pages.

Senator Clemens introduced to the Senate, Ralph Zachary, Malorri Casey, Hank Freeman and Caryl Ann Zachary, representatives of General Federated Women's Club, Marshfield.

Senator Dougherty introduced to the Senate, Raymond C. and Mary C. Dougherty, St. Peters; and Peggy Porter, St. Charles.

Senator Griesheimer introduced to the Senate, Patrick Newman II, Kevin and Lynn Brunner, Cindy and Patrick Newman and Trisha, Joan and Mark Huxel, Washington.

Senator Scott introduced to the Senate, Norma Litton, Lois Shipley and Stanton Loman, Clinton; and Stanton was made an honorary page.

Senator Scott introduced to the Senate, Laura and Diane Johannigmeier, Appleton City.

Senator Bartle introduced to the Senate, fourth grade students from Lee's Summit Community Christian School.

On behalf of Senator Koster, the President introduced to the Senate, Dr. Bobby Patton, Dr.

Aaron Podolefsky, Dee Hudson and Ann Pearce, representatives of Central Missouri State University, Warrensburg.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY–WEDNESDAY, APRIL 13, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 394

HCS for HB 388

HCS for HB 64

HB 700-Moore, et al

HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SCS for SBs 75 & 353-Champion and
Wheeler

SCS for SB 272-Gross

SB 476-Scott

SS#2 for SCS for SB 225-Cauthorn
(In Fiscal Oversight)

SB 232-Loudon, et al

SS for SB 95-Coleman

SS for SB 362-Stouffer
(In Fiscal Oversight)

SS for SCS for SBs 74 & 49-Champion

SENATE BILLS FOR PERFECTION

SB 481-Shields, with SCS

SB 500-Gibbons, et al, with SCS

SB 199-Gross

SB 402-Gibbons, et al

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS

SB 5-Klindt, with SCS & SS for SCS (pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SBs 37, 322, 78, 351 & 424-Nodler, with SCS

SB 50-Taylor and Nodler, with SCS & SS

for SCS (pending)
SB 55-Klindt, with SCS
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 (pending)
SB 194-Engler
SB 214-Scott, et al, with SCS
SB 220-Dolan
SB 236-Klindt and Clemens

SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 254-Engler
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for SCS (pending)
SB 316-Dolan, with SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SB 348-Clemens
SBs 365 & 204-Mayer, et al, with SCS
SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)
HB 678-Byrd, with SCS
HB 402-Schaaf, et al
HB 280-Walsh, et al (Green)
HB 524-May, et al (Scott)
HB 248-Pearce
HB 342-Baker (123) (Koster)
HB 600-Cooper (155), et al
HCS for HB 379 (Crowell)
HB 40-Tilley (Engler)

HCS for HB 47, with SCS (Shields)
HB 127-Bivins (Griesheimer)
HCS for HB 215
HB 260-Deeken (Vogel)

HB 343-Baker (123), with SCS (Koster)
HB 345-Baker (123) (Koster)
HB 395-Wood (Taylor)
HCS for HB 422 (Crowell)
HB 431-Wright (137) (Champion)
HB 445-Guest and Whorton (Klindt)
HCS for HB 448 (Coleman)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)
HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)

HB 638-Cunningham (86), with SCS
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS
HB 269-Bruns
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS
HB 155-Ruestman
HB 243-May, et al (Dolan)

HB 423-Kuessner, with SCS (Engler)
HB 528-Cunningham (145), with SCS
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216

HB 180-Johnson (47), et al
HB 219-Salva and Johnson (47)
HB 236-Goodman
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47)
HCS for HB 348
HB 473-Yates
HB 258-Cunningham (86)

RESOLUTIONS

To be Referred

SCR 14-Purgason

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster
SCR 7-Loudon

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY— WEDNESDAY, APRIL 13, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We must obey God rather than any human authority.” (Acts 5:29)

Gracious God, help us to see Your power and might so that we may know our need of You and help us be diligent in our work and be faithful unto You. May Your grace provide us faith to see Your unseen presence and to deal with those times we believe but need help with our unbelief. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—
None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1047, regarding Alison Whitney Faulkner, Princeton, which was adopted.

Senator Taylor offered Senate Resolution No. 1048, regarding Thornfield R-I Elementary School, which was adopted.

Senator Bartle offered Senate Resolution No. 1049, regarding Eric Curtis, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1050, regarding Cheyanne Cook, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1051, regarding Patricia Whitehead, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1052, regarding Carolyn Thompson, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 1053, regarding Jim Cook, Overland Park, which was adopted.

Senator Bartle offered Senate Resolution No. 1054, regarding Karleen Turner, Oak Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 1055, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Prindle, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1056, regarding Austin Daniel Kammerich, Boonville, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 481** with **SCS**, was placed on the Informal Calendar.

SB 500, with **SCS**, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 297**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 443**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 316**, with **SCS** (pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 316** was again taken up.

Senator Dolan offered **SS** for **SCS** for **SB 316**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 316

An Act to repeal section 197.121, RSMo, and to enact in lieu thereof one new section relating to specialty hospitals.

Senator Dolan moved that **SS** for **SCS** for **SB 316** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section 197.121, Line 17, by inserting after all of said line the following:

“Section 1. The provisions of sections 197.300 to 197.366 shall not apply to any health care facility located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, or any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Ridgeway, Shields and Stouffer.

Senator Scott assumed the Chair.

Senator Gross assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Crowell	Gross	Koster
Loudon	Nodler	Ridgeway	Scott
Shields	Stouffer	Taylor—11	

NAYS—Senators

Bray	Callahan	Cauthorn	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Klindt	Mayer
Vogel	Wheeler	Wilson—19	

Absent—Senators

Champion	Purgason—2
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Absent with leave—Senators—
None

Vacancies—2

Senator Bartle offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section 197.121, Line 17, by inserting at the end of said line the following: **“The provisions of this section shall not apply to any entity located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, or any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants.”.**

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Wheeler offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section 197.121, Line 17, by striking the word “2008” and inserting in lieu thereof the following: **“2007”.**

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 316, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“191.717. 1. Sections 191.717 and 191.718 may be cited as the "Compassionate Assistance for Rape Emergencies (CARE) Act".

2. As used in sections 191.717 to 191.718, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Emergency care to sexual assault victims", medical examinations, procedures, or services provided at a hospital to a sexual assault victim following an alleged rape;

(2) "Emergency contraception", any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;

(3) "Medically and factually accurate and objective", verified or supported by the weight of research conducted in compliance with accepted scientific methods and is published in peer-reviewed journals where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists (ACOG), recognize as accurate and objective;

(4) "Sexual assault", as defined in section 566.040, RSMo;

(5) "Sexual assault victim", a female who is alleged to have been raped and is presented as a patient.

191.718. 1. It shall be the standard of care for any hospital and any health care facility that provides emergency care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and factually accurate and objective written and oral information about emergency contraception;

(2) Orally inform each sexual assault victim of her option to be provided emergency contraception at the hospital; and

(3) Provide the complete regimen of emergency contraception immediately at the hospital or health care facility to each sexual assault victim who requests it.

2. Hospitals and health care facilities shall ensure that each person who provides care to sexual assault victims is provided with medically and factually accurate and objective information about emergency contraception.

3. The department of health and senior services shall develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution to use in any hospital or health care facility in the state in quantities sufficient to comply with the requirements of this section. The director, in collaboration with community sexual assault programs, may also approve informational materials from other sources.

4. The information materials must:

- (1) Be medically and factually accurate and objective;**
- (2) Be clearly written and readily comprehensible in a culturally competent manner, as the department deems necessary to inform victims of sexual assault; and**
- (3) Explain the nature of emergency contraception, including its use, safety, efficacy, and availability, and that it does not cause abortion.**

5. The department of health and senior services shall respond to complaints and shall periodically determine whether hospitals and health care facilities are complying with the provisions of this section. The department may use all investigative tools available to verify compliance. If the department determines that a hospital or health care facility is not in compliance, the department shall take action against such hospital or health care facility's license.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Dolan moved that **SS** for **SCS** for **SB 316**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **SB 316**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SCS** for **SB 225**; and **SS** for **SB 362**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for **SBs 75** and **353**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 75 and 353An Act to repeal section 208.574, RSMo, and to enact in lieu thereof one new section relating to senior prescription drug coverage, with a termination date for a certain section.

Was taken up by Senator Champion.

On motion of Senator Champion, **SCS** for **SBs 75** and **353** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wheeler	Wilson—28

NAYS—Senators—None

Absent—Senators

Crowell

Green

Klindt

Vogel—4

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SCS for **SB 272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 272An Act to repeal sections 137.073 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to gaming boat admission fee revenue.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 272** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Wheeler	Wilson—27	

NAYS—Senators—None

Absent—Senators

Crowell

Green

Klindt

Taylor

Vogel—5

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 476, introduced by Senator Scott, entitled:

An Act to repeal sections 361.060, 361.070, 361.080, 361.262, 361.365, 362.042, 362.107, 362.170, 362.210, 362.213, 362.215, 362.217, 362.225, 362.300, 362.305, 362.310, 362.315, 362.520, and 362.600, RSMo, and to enact in lieu thereof thirteen new sections relating to banks and banking, with penalty provisions.

Was taken up.

On motion of Senator Scott, **SB 476** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler

Wilson—29

NAYS—Senators—None

Absent—Senators

Crowell	Green	Vogel—3
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Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SB 225**, introduced by Senator Cauthorn, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 225

An Act to repeal sections 260.200, 260.262, 260.270, 260.272, 260.274, 260.275, 260.276, 260.278, 260.342,

260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, 260.569, 260.900, 260.905, 260.925, 260.935, 260.940, 260.945, 260.960, and 260.965, RSMo, and to enact in lieu thereof twenty-four new sections relating to hazardous waste, with penalty provisions and an emergency clause.

Was taken up.

On motion of Senator Cauthorn, **SS No. 2** for **SCS** for **SB 225** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler
Wilson—29			

NAYS—Senator Griesheimer
—1

Absent—Senators

Klindt	Vogel—2
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Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wheeler	Wilson—28

	NAYS—Senators
Callahan	Griesheimer—2
	Absent—Senators
Klindt	Vogel—2
	Absent with leave—Senators— None
	Vacancies—2

On motion of Senator Cauthorn, title to the bill was agreed to.
 Senator Cauthorn moved that the vote by which the bill passed be reconsidered.
 Senator Shields moved that motion lay on the table, which motion prevailed.
SB 232, introduced by Senator Loudon, et al, entitled:
 An Act to repeal section 537.528, RSMo, and to enact in lieu thereof one new section relating to strategic litigation against public participation.
 Was taken up by Senator Loudon.
 On motion of Senator Loudon, **SB 232** was read the 3rd time and passed by the following vote:

	YEAS—Senators		
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler
Wilson—29			

	NAYS—Senator Dolan—1
	Absent—Senators
Klindt	Vogel—2
	Absent with leave—Senators— None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 95**, introduced by Senator Coleman, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 95

An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.311, 701.312, 701.314, 701.320, 701.328, and 701.337, RSMo, and to enact in lieu thereof fourteen new sections relating to lead poisoning, with penalty provisions.

Was taken up.

On motion of Senator Coleman, **SS** for **SB 95** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 362**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 362

An Act to amend chapter 135, RSMo, by adding thereto three new sections relating to residential treatment agency tax credits, with an expiration date for a certain section.

Was taken up.

On motion of Senator Stouffer, **SS** for **SB 362** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 74** and **49**, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 74 and 49

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up.

On motion of Senator Champion, **SS** for **SCS** for **SBs 74** and **49** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler

Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—2

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 500**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 500**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 500

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof nine new sections relating to family cost participation in the Missouri first steps program, with an emergency clause.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 500** be adopted.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 500, Pages 9-11, Section 376.1218, Lines 1-97, by striking all of said lines; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Days, Dolan and Green.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Champion	Crowell	Graham
Klindt	Loudon	Nodler	Purgason

Vogel—10

Bray	Callahan	Cauthorn	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Koster	Mayer
Ridgeway	Shields	Stouffer	Taylor
Wheeler	Wilson—22		

Absent with leave—Senators—
None

Senator Ridgeway offered **SA 2**, which was read:

Amend Senate Committee Substitute for Senate Bill No. 500, Page 9, Section 376.1218, Line 16, by inserting after the word “means” the following: “**developmentally or**”.

Senator Callahan offered **SA 3**, which was read:

Amend Senate Committee Substitute for Senate Bill No. 500, Page 4, Section 160.920, Line 5, by deleting from said line the word “may” and inserting in lieu thereof the following: “**shall**”; and

Further amend page 9, section 376.1218, line 14, by inserting immediately after all of said line the following: “**2. In the event that any health carrier is found to not be required to provide coverage under subsection 1 of this section because of pre-emption by a federal law, including but not limited to the act commonly known as ERISA contained in Title 29 of the United States Code, or in the event that subsection 1 of this section is found to be unconstitutional, then the lead agency shall be responsible for payment and provision of any benefit required under subsection 1.**”; and renumber subsequent subsections accordingly.

And further amend same page, same section, line 21, by deleting the word “and” and inserting in lieu thereof the following: “**or**”.

Senator Callahan moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Days, Dougherty and Wilson.

SA 3 was adopted by the following vote:

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer

Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—2

Senator Nodler assumed the Chair.

Senator Koster offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 500, Page 11, Section 376.1218, Line 97, by inserting after all of said line the following:

“9. The department of insurance shall collect data related to the number of children receiving private insurance coverage under this section and the total amount of moneys paid on behalf of such children by private health insurance carriers. The department shall report to the general assembly regarding the department’s findings no later than January 30, 2007, and annually thereafter.”.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SCS** for **SB 500**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 500**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 316**; and **SS** for **SCS** for **SB 287**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 33**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 455**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 563**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 513**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 287** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 9**.

HOUSE CONCURRENT RESOLUTION NO. 9

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public and military service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including retired veterans, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to Missouri retired veterans; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO which can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, the nation should respect, not penalize, public and military service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 15**.HOUSE CONCURRENT RESOLUTION NO. 15

WHEREAS, the United States has no integrated nationwide automated system for monitoring the safety history or violation records of Mexican companies and drivers, or a system to verify driver's licenses or drug testing for drivers, and it is therefore difficult for Missouri law enforcement personnel to obtain essential safety data; and

WHEREAS, if trucks from Mexico are allowed access to the State of Missouri, verification of foreign insurance policies and access to foreign judicial systems will be very difficult when accidents occur, possibly resulting in the delay of settlements and payments to the injured citizens of the State of Missouri; and

WHEREAS, Mexico does not have labeling of hazardous or toxic cargo which poses a clear and present danger to the security of the State of Missouri if trucks transporting such cargo enter territory of the state without prior inspection at the border of the United States; and

WHEREAS, large quantities of illegal drugs are smuggled into Missouri from foreign nations, including Mexico:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Governor of the State of Missouri, the President of the United States, and the members of the United States Congress to oppose any effort to allow trucks to enter the State of Missouri without first being inspected at the border of the United States and Mexico; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly memorializes the Missouri Congressional Delegation to restrict trucks from Mexico and other foreign nations from entering the United States until there is full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug enforcement laws; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS for HCR 24.**

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 24

WHEREAS, the Missouri General Assembly during the Second Regular Session of the 91st General Assembly passed House Bill No. 1973 by a vote of 130-11 and 30-0 calling for a study (The Study) of steps to improve economic and financial education in Missouri schools; and

WHEREAS, the Governor of Missouri signed Executive Order 02-08 calling for the Missouri Council on Economic Education to conduct the same study; and

WHEREAS, The Study was financed by over \$90,000 of private contributions from Missouri organizations and was completed by the Missouri Council on Economic Education on behalf of and submitted to the Missouri Department of Elementary and Secondary Education; and

WHEREAS, the Missouri Commissioner of Education submitted The Study to the Governor and leaders of the Missouri General Assembly; and

WHEREAS, The Study listed five recommendations for improvement and expansion of economic and financial education for Missouri students from kindergarten through high school; and

WHEREAS, the need for implementation in Missouri of the five recommendations of The Study has continued to increase:

(1) In 2004, Missouri high school students scored a failing grade of 53.8% on a national survey of personal finance knowledge; and

(2) MAP tests of economic knowledge for Missouri middle and high school students consistently score 54% - 56% correct over the last five years; and

WHEREAS, nationally:

(1) Two-thirds of American adults and students did not know that inflation reduces the value of their money;

(2) Among parents with children five or older, only 26% feel well prepared to teach their children about basic personal finances;

(3) 64% of consumers ages 18 to 24 do not know the interest rates on their credit cards;

(4) In 2003, teens spent \$175 billion, averaging \$103 per week; and

(5) In 2004, the national household savings rate was 0.8%, the lowest since the Great Depression; and

WHEREAS, the Missouri Commissioner of Education has convened the Taskforce on the High School that may be recommending to the Missouri State Board of Education adoption of The Study's recommendation number 4 calling for a required course in personal finance economics for graduation:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby commend the Missouri Department of Elementary and Secondary Education and the Missouri Taskforce on the High School for their work and are encouraged to complete the steps necessary to recommend coursework in personal finance economics to the Missouri State Board of Education; and

BE IT FURTHER RESOLVED that the Missouri State Board of Education be encouraged to accept the recommendation as prepared by the Missouri Commissioner of Education and the Missouri Taskforce on the High School for coursework in personal finance economics; and

BE IT FURTHER RESOLVED that the Missouri Department of Elementary and Secondary Education and the Missouri State Board of Education be encouraged to accept recommendations from The Study to:

(1) Recommend the extensive kindergarten through high school curriculum resources listed in The Study to school districts for use with teachers and students;

(2) Build grade-level objectives in grades leading up to high school coursework that reflects the new expectations for such coursework;

(3) Continue planning to incorporate into the social studies MAP test additional questions reflecting the new expectations for personal finance and economics;

(4) Continue working with teacher certification institutions in Missouri to require training to prepare teachers for the new grade-level objectives and the personal finance economics coursework; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Commissioner of Education and the Missouri State Board of Education.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 12, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jeffery Appleman, D.P.M., Republican, 444 Hilltop Meadows, Jackson, Cape Girardeau County, Missouri 63755, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Akilis Theoharidis, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ervin Dock, 4890 South Wellington Drive, Springfield, Greene County, Missouri 65810, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2009, and until his successor is duly appointed and qualified; vice, Carol Bergmann, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Kehoe, Republican, 1618 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the State Highways and Transportation Commission, for a term ending March 1, 2011, and until his successor is duly appointed and qualified; vice, Larry Webber, term expired.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 11, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Midwestern Interstate Passenger Rail Compact Commission

Dear Terry:

Pursuant to Section 680.200 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Midwestern Interstate Passenger

Rail Compact Commission:

Senator John Griesheimer

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1057, regarding Rebecca L. Briggs, which was adopted.

Senator Coleman offered Senate Resolution No. 1058, regarding Grace Haukap, which was adopted.

Senator Coleman offered Senate Resolution No. 1059, regarding Nichole Runge, which was adopted.

Senator Coleman offered Senate Resolution No. 1060, regarding Jennifer Sander, which was adopted.

Senator Coleman offered Senate Resolution No. 1061, regarding Katie Mueller, which was adopted.

Senator Coleman offered Senate Resolution No. 1062, regarding Jennifer R. Stewart, which was adopted.

Senator Coleman offered Senate Resolution No. 1063, regarding Brooke Erinn Black, which was adopted.

Senator Coleman offered Senate Resolution No. 1064, regarding Jamie Williams, which was adopted.

Senator Crowell offered Senate Resolution No. 1065, regarding Larry Cleair, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1066, regarding Pete Frazier, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1067, regarding David Fuemmeler, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1068, regarding Mary Mims, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1069, regarding Dr. Adelaide Parsons, Cape Girardeau, which was adopted.

Senator Klindt offered Senate Resolution No. 1070, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronnie Kerns, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 1071, regarding Deborah Loucks, which was adopted.

Senator Klindt offered Senate Resolution No. 1072, regarding the Mound City R-II School District, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1073, regarding Ronald James, Wildwood, which was adopted.

Senator Scott offered Senate Resolution No. 1074, regarding William J. Friend, Garden City, which was adopted.

Senator Vogel offered Senate Resolution No. 1075, regarding Malissa Hoehn, Jefferson City, which was adopted.

Senator Graham offered Senate Resolution No. 1076, regarding Duke Kidwell, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Dennis Diehl and Douglas Dodson, Hillsboro.

Senator Champion introduced to the Senate, Tammy Aime and twelve eighth grade students from St. Joseph Catholic School, Springfield.

Senator Coleman introduced to the Senate, Donna K. Martin, St. Louis.

Senator Loudon introduced to the Senate, Ann Wagner and sixty fourth grade students from St. Clare of Assisi School, Ballwin; and Mary Ruth Wagner, Alex Ripper, John Conlon and Brian Suhre were made honorary pages.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Enrico Stazzone, M.D., Chesterfield; and Michael Ladevich, St. Louis.

Senator Nodler introduced to the Senate, fifty fifth grade students, parents and teachers from Seneca Elementary School.

Senator Scott introduced to the Senate, Leon Watson, Clinton; and Ashleigh Mitchell, Ballard.

Senator Cauthorn introduced to the Senate, Basil and Mary Lu Hildebrand and Joe and Barbara Shelby, Osceola; Alan Haverland, Robert and Susan Salmon and Bill Creek, St. Clair County; Richard and Jackie Thomas, Randolph County; Amy and Holly Bellis, Ray County; Luke Burbank, Columbia; and David Geier, Moniteau County.

Senator Stouffer introduced to the Senate, Ed and Pat Richards, Marshall; representatives of Saline County Pachyderms.

Senator Gibbons introduced to the Senate, representatives of the Grand Order of Pachyderms.

Senator Clemens introduced to the Senate, representatives of the Missouri Federation of Pachyderms.

Senator Bartle introduced to the Senate, Michael J. Chesser, Mark R. Jorgenson, W. Terrence Kilroy, Robert A. Kipp, William C. Nelson, David F. Oliver, Jewel D. Scott, James E. Stowers, Allen R. Strain and David A. Welte, representatives of the Civic Council of Greater Kansas City.

Senator Dolan introduced to the Senate, Chris and Cheryl Bates, Jim and Penny Bennett, Ron Fruend, Bernice Funderburk, Barbara Grimm, Mike, Jen Jen and Jenicka Hazelbaker, Penny Henke, Bob Osborn, Richard Vieth and Vicki White, representatives of St. Charles Pachyderms.

Senator Loudon introduced to the Senate, former State Representatives Mike Reid, Hazelwood; Jon Bennett, St. Charles; Bill Linton, Ballwin; and David Knes and Laura Kinder, Chesterfield.

Senator Loudon introduced to the Senate, Ann Lo Piccolo and eighty-two fourth grade students from Bellerive Elementary School, Creve Coeur.

Senator Scott introduced to the Senate, his uncle, David Scott, Springfield.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; and his sister and brother-in-law, Sue and Naji Hamideh, Ft. Worth, Texas.

Senator Champion introduced to the Senate, Josha McQueen, St. Louis.

Senator Bartle introduced to the Senate, Mayor Brad Knight, Lauralyn Sullivan, Kara Marshall and representatives of North Central Business and Professional Women, Grain Valley.

Senator Days introduced to the Senate, Virginia McDowell, St. Louis.

Senator Kennedy introduced to the Senate, Lauren M. Lewandowski and William K. Perkinson, St. Louis; and Lauren and William were made honorary pages.

Senator Loudon introduced to the Senate, Molly Glascock and Rachel Kent, Town and Country; and Madison Beckmann, Ballwin.

Senator Days introduced to the Senate, Sean Rempe, St. Louis.

Senator Bray introduced to the Senate, Hayley Mercer, Frontenac; Addie Harris, Ladue; Derek Wohlfarth, Creve Coeur; Emma Hanson, Maplewood; and Sean Shannon, Des Peres.

Senator Loudon introduced to the Senate, John King, Clayton.

Senator Greisheimer introduced to the Senate, Tod and Maddison Hicks, Warrenton.

On behalf of Senators Gibbons, Bray and herself, Senator Coleman introduced to the Senate, Sienna Sears, Webster Groves; Adam Kopp, Ladue; and Zach Kruger, St. Louis.

Senator Loudon introduced to the Senate, his wife, Gina, and Greg Kramer, Chesterfield; and Wendy Buehler, Doug Rubenstein and Char Wasserman, St. Louis.

Senator Kennedy introduced to the Senate, Greg and Debbie Meitz and their children, Sam and Emily, St. Louis; and Albert and Rosemary Lauber, Manchester; and Sam and Emily were made honorary pages.

Senator Koster introduced to the Senate, Kimberly and Onnie Bigg, Belton; and Penny and Grace Willis, Cleveland.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY—THURSDAY, APRIL 14, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen
HCS for HJR 16
HCS for HB 394
HCS for HB 388

HCS for HB 64
HB 700-Moore, et al
HCS for HBs 518, 288, 418 & 635

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan

SS for SCS for SB 287-Shields
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 199-Gross

SB 402-Gibbons, et al

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS

SB 5-Klindt, with SCS & SS for SCS

(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SBs 37, 322, 78, 351 & 424-Nodler, with
SCS

SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1
(pending)

SB 194-Engler

SB 214-Scott, et al, with SCS

SB 220-Dolan

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott

SB 253-Koster, with SCS

SB 254-Engler

SB 284-Cauthorn and Clemens, with SCS

SB 291-Mayer, et al, with SCS & SS for
SCS (pending)

SB 321-Shields

SB 324-Scott, with SCS

SB 339-Gross, with SCS

SB 348-Clemens

SBs 365 & 204-Mayer, et al, with SCS

SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler
SB 481-Shields, with SCS

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)
HB 678-Byrd, with SCS (Bartle)
HB 402-Schaaf, et al
HB 280-Walsh, et al (Green)
HB 524-May, et al (Scott)
HB 248-Pearce (Dolan)
HB 342-Baker (123) (Koster)
HB 600-Cooper (155), et al
HCS for HB 379 (Crowell)
HB 40-Tilley (Engler)
HCS for HB 47, with SCS (Shields)
HB 127-Bivins (Griesheimer)
HCS for HB 215 (Koster)
HB 260-Deeken (Vogel)
HB 343-Baker (123), with SCS (Koster)

HB 345-Baker (123) (Koster)
HB 395-Wood (Taylor)
HCS for HB 422 (Crowell)
HB 431-Wright (137) (Champion)
HB 445-Guest and Whorton (Klindt)
HCS for HB 448 (Coleman)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)
HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS

HB 269-Bruns
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)
HB 528-Cunningham (145), with SCS
(Clemens)

HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 180-Johnson (47), et al (Shields)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86)

Reported 4/13

HCS for HB 297, with SCS
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips

HB 455-Quinn, et al (Klindt)
HCS for HB 563
HCS for HB 513 (Loudon)

RESOLUTIONS

To be Referred

HCR 9-Bivins, et al
HCR 15-Baker (123)

HCS for HCR 24

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster
SCR 7-Loudon

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY— THURSDAY, APRIL 14, 2005

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Faith comes by hearing, and hearing by the Word of God.” (Romans 10:17)

Blessed Father, we conclude another week grateful that we have time this weekend to be with those we love. Grant that we may make good use of the time to hear the concerns of those who have missed us and to share and let them know the love we have for them. Grant us grace to enjoy and be thankful for the love we receive from those You have given us. And may we make time to hear Your Word with our hearts attuned to Your voice. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dougherty	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

Absent with leave—Senator
Dolan—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1077, regarding Chemtron Corporation, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1078, regarding Star Stamps and Coins, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1079, regarding Lindenwood University, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1080, regarding John Christian Andrews, St. Charles, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 500**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 287**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 69**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 56**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS No. 2** for **HB 232**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 413**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HBs 462** and **463**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 681**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 321**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Peter D. Kinder, as a member of the Missouri Community Service Commission;

Also,

Sandra J. Jones, as a member of the Missouri Women's Council;

Also,

Luther J. Rollins, as a member of the Harris-Stowe State College Board of Regents;

Also,

Paul C. Vescovo, III, as a member of the Peace Officer Standards and Training Commission;

Also,

Anita T. Yeckel, as a member of the Missouri Investment Trust Board of Trustees;

Also,

Glen Richard Hastings, as a member of the Jackson County Sports Complex Authority;

Also,

Richard J. Wilson, as a member of the Missouri Development Finance Board;

Also,

John C. Hanneke, as a member of the Credit Union Commission;

Also,

Ryne P. Lilly, as a member of the Missouri Western State College Board of Regents; Also,

Barbara H. Pickering, as a member of the State Lottery Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 548**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 196**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 44**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 347**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 441**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Kinder assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 12** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Scott assumed the Chair.

Senator Griesheimer assumed the Chair.

Senator Ridgeway assumed the Chair.

Senator Gross assumed the Chair.

Senator Koster assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Shields	Stouffer	Vogel
Wheeler	Wilson—26		
	Absent—Senators		
Crowell	Days	Graham	Scott
Taylor—5			
	Absent with leave—Senator Dolan—1		
	Vacancies—2		

Senator Crowell assumed the Chair.

At the request of Senator Cauthorn, **SB 12** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 180**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 343**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **HB 269**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

President Pro Tem Gibbons assumed the Chair.

Senator Bartle requested unanimous consent of the Senate to correct the Judiciary and Civil and Criminal Jurisprudence committee report on **HCS** for **HB 441** to reflect the adoption of a Senate Committee Substitute, which request was granted.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 144**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Terry J. Brady, 4701 North West 82nd Street, Kansas City, Platte County, Missouri 64151, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2009, and until his successor is duly appointed and qualified; vice, Javier Perez, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas Robert Forget, Jr., M.D., 56 Muirfield Court, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2007, and until his successor is duly appointed and qualified; vice, Sherri Coleman, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mark J. Garnett, Democrat, 10363 County Road 9510, West Plains, Howell County, Missouri 65775, as a member of the Air Conservation Commission, for a term ending October 13, 2006, and until his successor is duly appointed and qualified; vice, Harriet Beard, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 13, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald Eric Park, Republican, 318 West Fourth Street, Washington, Franklin County, Missouri 63090, as a member of the Credit Union Commission, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Sharon Ichord, term expired.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and passed **HCR 20**, entitled:

Relating to the designation of October fifteenth as Pregnancy and Infant Loss Remembrance Day.

HOUSE CONCURRENT RESOLUTION NO. 20

An Act relating to the designation of October fifteenth as Pregnancy and Infant Loss Remembrance Day.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, according to a 1996 study by the Centers for Disease Control, 16% of six million-plus pregnancies ended in either a miscarriage or a stillbirth, or almost a million perinatal losses. Of those six million-plus pregnancies, 62% (3,720,000) ended in live births, and 26,784 of those births ended in infant deaths from eleven months and younger. This does not reflect the 22% who are lost to abortion; and

WHEREAS, the availability of information and support is of the utmost importance to families who suffer from pregnancy and infant loss to better help them cope; and

WHEREAS, a public that is informed and educated about pregnancy and infant loss can better learn how to respond with compassion to affect families; and

WHEREAS, professionals who come in contact with families who have suffered pregnancy or infant loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses, and employers, can better serve families if they have special training and better knowledge of pregnancy and infant loss; and

WHEREAS, a Pregnancy and Infant Loss Remembrance Day on October fifteenth is set aside to remember all of the pregnancies and infants lost in order to heal and be comforted in a time of pain and heartache, and to have hope for the future:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby proclaim October fifteenth of each year as "Pregnancy and Infant Loss Remembrance Day"; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 461**, entitled:

An Act to repeal section 137.078, RSMo, and to enact in lieu thereof three new sections relating to assessment of business personal property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 410**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 539**, entitled:

An Act to repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salary incentives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 344**, entitled:

An Act to repeal section 205.010, RSMo, and to enact in lieu thereof two new sections relating to county health centers and nursing home districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 276**, entitled:

An Act to repeal sections 162.955, 162.959, and 162.961, RSMo, and to enact in lieu thereof three new sections relating to special educational services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the several divisions and programs thereof, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Crowell assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 738—Financial and Governmental Organizations and Elections.

HCS for **HJR 16**—Agriculture, Conservation, Parks and Natural Resources.

HCS for **HB 394**—Small Business, Insurance and Industrial Relations.

HCS for **HB 388**—Small Business, Insurance and Industrial Relations.

HCS for **HB 64**—Pensions, Veterans' Affairs and General Laws.

HB 700—Financial and Governmental Organizations and Elections.

HCS for **HBs 518, 288, 418 and 635**—Transportation.

REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 500** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 316** was placed on the Informal Calendar.

SS for **SCS** for **SB 287**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal sections 148.360, 149.015, 160.264, 160.400, 160.405, 160.410, 160.415, 160.420, 160.530, 160.531, 160.534, 160.550, 161.527, 162.081, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 165.121, 166.260, 166.275, 167.126, 167.151, 167.332, 167.349, 168.281, 168.515, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof forty-seven new sections relating to education, with an effective date and penalty provisions.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 287** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Champion	Clemens	Days
Engler	Gibbons	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler—22		

NAYS—Senators

Bray	Callahan	Cauthorn	Coleman
Dougherty	Graham	Green	Wilson—8

Absent—Senator Crowell—1

Absent with leave—Senator
Dolan—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, and the Office of

Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee, the Commission for the Missouri Senior Rx Program, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Shields submitted the following:

April 14, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Senate Agriculture Republican Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Senate Agriculture Republican Caucus:

Senator John Cauthorn

Senator Chuck Purgason

Senator Jon Dolan

Senator Dan Clemens

Senator John Griesheimer

Senator Rob Mayer

Senator Delbert Scott	Senator Jason Crowell
Senator Kevin Engler	Senator David Klindt
Senator Carl Vogel	Senator Bill Stouffer
Senator Luann Ridgeway	Senator Charles Gross
Senator Chris Koster	Senator Matt Bartle
Senator Gary Nodler	Senator John Loudon
Senator Larry Gene Taylor	Senator Michael Gibbons
Senator Charlie Shields	Senator Norma Champion

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1081, regarding the late Sergeant Carl Dewayne Graham, Jr., which was adopted.

Senator Stouffer offered Senate Resolution No. 1082, regarding James “Don” Jackson, Richmond, which was adopted.

Senator Coleman offered Senate Resolution No. 1083, regarding Kathy Gamache, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 1084, regarding Jessica Rose Thomas, Kansas City, which was adopted.

Senator Coleman offered Senate Resolution No. 1085, regarding Megan Verbeck, which was adopted.

Senator Coleman offered Senate Resolution No. 1086, regarding LaToya A. Williamson, which was adopted.

Senator Coleman offered Senate Resolution No. 1087, regarding Brittany Tate, which was adopted.

Senator Coleman offered Senate Resolution No. 1088, regarding Mirka Campbell Fette’, which was adopted.

Senator Bray offered Senate Resolution No. 1089, regarding Eldora Spiegelberg, University City, which was adopted.

Senator Mayer offered Senate Resolution No. 1090, regarding Frances Thurman, Piedmont, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Ron and Lois Keeven and their children, Abigail, Melissa and Dalton, New Haven; and Abigail, Melissa and Dalton were made honorary pages.

Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Sarah Aydt, M.D., and her son, Matthew, Cape Girardeau.

Senator Shields introduced to the Senate, Brant Winn, LaRene McHugh and forty-five eighth grade students from Life Christian Academy, Kansas City.

On behalf of Senator Scott, the President introduced to the Senate, Ashley Caldwell, Lauren Sanders, Paul Henny, Chris Kirk, Christy Smith, Adrienne C. Johnson, Cherlyn Sarte, Inez Waggoner, Jag Glascock, Donnie Batschelett and Chelsea Schussler, Clinton; and Cherlyn, Inez, Jag, Donnie and Chelsea were made honorary pages.

On behalf of Senator Gross, the President introduced to the Senate, Vicky Klaus and fourth grade students from Living Word Christian School, St. Charles.

Senator Gross introduced to the Senate, Kim Risch, Marsha McEachron and Home Schoolers, St. Charles.

Senator Bartle introduced to the Senate, students from Lee’s Summit Baptist Temple.

Senator Taylor introduced to the Senate, Diane Meehan and sixteen fourth grade students from Trinity Lutheran School, Freistatt.

Senator Crowell introduced to the Senate, students from Clippard Elementary School, Cape Girardeau.

Senator Taylor introduced to the Senate, Carless Osbourn and eighth grade students from Kirbyville R-VI School.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, April 18, 2005.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 461
HB 410-Flook, et al
HB 539-Icet, et al
HB 344-Baker (123)
HCS for HB 276
HB 1-Lager
HCS for HB 2
HCS for HB 3

HCS for HB 4
HCS for HB 5
HCS for HB 6
HCS for HB 7
HCS for HB 8
HCS for HB 9
HCS for HB 10

THIRD READING OF SENATE BILLS

SCS for SB 500-Gibbons, et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 199-Gross
SB 402-Gibbons, et al
SB 548-Loudon
SB 196-Ridgeway and Stouffer, with SCS
SB 3-Loudon, with SCS
SB 44-Wheeler and Bray, with SCS

SB 159-Cauthorn
SB 144-Gross, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

HCS for HB 347, with SCS

HCS for HB 441, with SCS (Cauthorn)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS

SB 5-Klindt, with SCS & SS for SCS

(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SBs 37, 322, 78, 351 & 424-Nodler, with

SCS

SB 50-Taylor and Nodler, with SCS & SS

for SCS (pending)

SB 55-Klindt, with SCS

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 (pending)

SB 194-Engler

SB 214-Scott, et al, with SCS

SB 220-Dolan

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott

SB 253-Koster, with SCS

SB 254-Engler

SB 284-Cauthorn and Clemens, with SCS

SB 291-Mayer, et al, with SCS & SS for

SCS (pending)

SB 321-Shields

SB 324-Scott, with SCS

SB 339-Gross, with SCS

SB 348-Clemens

SBs 365 & 204-Mayer, et al, with SCS

SB 373-Bartle

SB 376-Loudon

SB 434-Cauthorn
SB 470-Engler
SB 481-Shields, with SCS

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)
HB 678-Byrd, with SCS (Bartle)
HB 402-Schaaf, et al
HB 280-Walsh, et al (Green)
HB 524-May, et al (Scott)
HB 248-Pearce (Dolan)
HB 342-Baker (123) (Koster)

HB 600-Cooper (155), et al
HCS for HB 379 (Crowell)
HB 40-Tilley (Engler)
HCS for HB 47, with SCS (Shields)
HB 127-Bivins (Griesheimer)
HCS for HB 215 (Koster)
HB 260-Deeken (Vogel)
HB 345-Baker (123) (Koster)
HB 395-Wood (Taylor)
HCS for HB 422 (Crowell)

HB 431-Wright (137) (Champion)
HB 445-Guest and Whorton (Klindt)
HCS for HB 448 (Coleman)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)
HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86)

Reported 4/13

HCS for HB 297, with SCS
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips

HB 455-Quinn, et al (Klindt)
HCS for HB 563
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56
HCS#2 for HB 232, with SCS

HB 413-Hubbard, et al
HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal

HB 321-Yates
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

To be Referred

HCR 9-Bivins, et al
HCR 15-Baker (123)

HCS for HCR 24
HCR 20-Rupp, et al

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster
SCR 7-Loudon

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY— MONDAY, APRIL 18, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is the beginning of Wisdom.” (Psalm 111:10)

Your Word alone imparts true wisdom, O Lord, and we here find ourselves in need of wisdom as we struggle with the various challenges we try to address with diminished resources. Grant us this week an informed mind and a purified heart so we may follow Your directing. And bless those who join us today during this time of greater demand on each of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 14, 2005 was read and approved.

Senator Shields announced that photographers from KRCG-TV, the Senate and family members were given permission to take flash pictures and video in the Senate Chamber and gallery today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent with leave—
Senators—None

The Lieutenant Governor was present.

MESSAGES FROM THE SECRETARY OF STATE

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler
Jefferson City, MO
Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 16th Senatorial District in the State of Missouri, on the 5th day of April, 2005, as provided by law, the following named person was elected to the office of State Senator, 16th Senatorial District as shown by the election results certified to this office by the election authorities of the 16th Senatorial District.

Name	Office
Frank A. Barnitz	State Senator
P.O. Box 104	16th Senatorial District
Lake Spring, MO 65532	

(Seal)	IN WITNESS WHEREOF, I	have hereunto set my hand and
	affixed the seal of my office this	14th day of April, 2005.
	Robin Carnahan	
	Secretary of State	

Also,

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler
Jefferson City, MO
Madam:

I, Robin Carnahan, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 22nd Senatorial District in the State of Missouri, on the 5th day of April, 2005, as provided by law, the following named person was elected to the office of State Senator, 22nd Senatorial District as shown by the election results certified to this office by the election authorities of the 22nd Senatorial District.

Name	Office
Bill Alter	State Senator
1800 Gravois	22nd Senatorial District
High Ridge, MO 63049	

(Seal)	IN WITNESS WHEREOF, I	have hereunto set my hand and
	affixed the seal of my office this	14th day of April, 2005.
	Robin Carnahan	
	Secretary of State	

Senator Barnitz was escorted to the dais and received his oath of office from the Honorable Sanborn N. Ball, Associate Circuit Judge.

Senator Alter was escorted to the dais and received his oath of office from President Pro Tem Gibbons.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1091, regarding Dorothy Harris, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1092, regarding Mary O'Reilly, Hazelwood, which was adopted.

Senator Champion offered Senate Resolution No. 1093, regarding Charles Everett Smythe, Springfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 1094, regarding the First Baptist Church, Higginsville, which was

adopted.

Senator Kennedy offered Senate Resolution No. 1095, regarding John Michael Myers, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1096, regarding Thomas A. Schaefer, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1097, regarding Dr. Jane J. Reed, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 1098, regarding Nancy Wilson, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1099, regarding Mona Garrison, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1100, regarding Mary Van Noord, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1101, regarding Reggie Smith, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1102, regarding Jaclyn Morgan, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1103, regarding Amy Schwartz, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1104, regarding Cynthia Weeden, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1105, regarding Lysa Diehl, St. Peters, which was adopted.

Senator Bartle offered Senate Resolution No. 1106, regarding Josiah Austin Richard Cox, Pleasant Hill, which was adopted.

Senator Bartle offered Senate Resolution No. 1107, regarding Eric Stephen Voss, Lee's Summit, which was adopted.

Senator Wheeler offered Senate Resolution No. 1108, regarding Jessica Adutwum, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Gibbons offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, on April 12, 2005, the Missouri General Assembly truly agreed and finally passed Senate Substitute for Senate Bill No. 539 which modifies Missouri's current state Medicaid program; and

WHEREAS, while the bill contains a provision establishing the "Medicaid Reform Commission" to study and review recommendations for reforms of the state Medicaid system, such commission cannot be formed until after the effective date of Senate Substitute for Senate Bill No. 539, or August 28, 2005; and

WHEREAS, it is in the best interest of the citizens of the State of Missouri for the Medicaid Reform Commission to begin its important task as soon as possible:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby immediately establish the "Medicaid Reform Commission" which shall have the task of studying and reviewing recommendations for reforms of the state Medicaid system. The commission shall consist of the following ten members:

- (1) Five members of the House of Representatives appointed by the Speaker of the House of Representatives; and
- (2) Five members of the Senate appointed by the President Pro Tem of the Senate.

No more than three members from each house shall be of the same political party. The directors of the departments of social services, health and senior services, and mental health, or the directors' designees shall serve as ex officio members of the commission; and

BE IT FURTHER RESOLVED that the commission shall commence after the end of the First Regular Session of the Ninety-third General Assembly, and shall terminate on August 28, 2005. The work of the commission shall be furnished to the Medicaid Reform Commission formed under Section 208.014 as enacted by Senate Substitute for Senate Bill No. 539, Ninety-third General Assembly, First Regular Session, including, but not limited to, its clear and concise policy recommendations on reforming, redesigning, and restructuring a new, innovative state Medicaid healthcare delivery system under Title XIX, Public Law 89-97, 1965, amendments to the federal Social Security Act (42 U.S.C. Section 30 et seq.), as amended, to replace the current state Medicaid system under Title XIX, Public Law 89-97, 1965, amendments to the federal Social Security Act (42 U.S.C. Section 30 et seq.); and

BE IT FURTHER RESOLVED that the members of the commission shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's official duties; and

BE IT FURTHER RESOLVED that a chair of the commission shall be selected by the members of the commission and the commission shall meet as necessary; and

BE IT FURTHER RESOLVED that the commission is authorized to contract with a consultant and the compensation of the consultant and other personnel shall be paid from the joint contingent fund or jointly from the Senate and House contingent funds until an appropriation is made therefor; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Directors of the Departments of Social Services, Health and Senior Services, and Mental Health.

Senator Gross offered the following con-current resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, tax credits have grown significantly over the past several years; and

WHEREAS, tax credits pose a significant liability to the state, and the costs associated with tax credits are not reflected in the state's budget; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the formation of tax laws that lead in part to expansion of tax credits; and

WHEREAS, the current General Assembly has proposed several new tax credit programs that would lead to further depletion of general revenue funds; and

WHEREAS, the General Assembly must monitor tax credits in order to prepare the budget of the state accurately:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Tax Credits; and

BE IT FURTHER RESOLVED that the committee shall be composed of three majority members and two minority members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority members and two minority members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the committee shall conduct a comprehensive analysis of Missouri tax credits, examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of tax credits; and

BE IT FURTHER RESOLVED that the committee be authorized to hold hearings as it deems advisable and may solicit from the Department of Revenue any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2006, and the authority of such committee shall terminate on December 31, 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Director of the Department of Revenue.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 461—Ways and Means.

HB 410—Transportation.

HB 539—Education.

HB 344—Economic Development, Tourism and Local Government.

HCS for HB 276—Education.

HB 1—Appropriations.

HCS for HB 2—Appropriations.

HCS for HB 3—Appropriations.

HCS for HB 4—Appropriations.

HCS for HB 5—Appropriations.

HCS for HB 6—Appropriations.

HCS for HB 7—Appropriations.

HCS for HB 8—Appropriations.

HCS for HB 9—Appropriations.

HCS for HB 10—Appropriations.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 254** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Engler, **SB 254** was declared perfected and ordered printed.

Senator Mayer moved that **SB 365** and **SB 204**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 365** and **204**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 365 and 204

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for clinical trials.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 365** and **204** be adopted.

Senator Scott assumed the Chair.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 365 and 204, Page 2, Section 376.429, Line 39, by inserting after “disease;” the following: “**trial results;**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SS** for **SCS** for **SBs 365** and **204**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 365 and 204

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for clinical trials.

Senator Nodler moved that **SS** for **SCS** for **SBs 365** and **204** be adopted.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 365 and 204, Page 3, Section 376.429, Line 11, by inserting after “disease;” the following: “**trial results;**”.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 365 and 204, Page 1, Section 376.429, Line 9, by inserting after the word “phase” the following: “**II**,”; and

Further amend lines 10-11 by striking all of the underlined words.

Senator Nodler moved that the above amendment be adopted, which motion failed.

At the request of Senator Nodler, **SS** for **SCS** for **SBs 365** and **204**, as amended, was withdrawn.

SCS for **SBs 365** and **204**, as amended, was again taken up.

At the request of Senator Mayer, **SB 365** and **SB 204**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 254**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan in the World Health Organization; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the World Health Organization and to the Taipei Economic and Cultural Office in Kansas City.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships that exists today; and

WHEREAS, together, Taiwan and the United States promote a shared belief in freedom, democracy, and market principles; and

WHEREAS, the level of mutual investment between Taiwan and the United States is quite high; and

WHEREAS, streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, a Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures; and

WHEREAS, a recent study by the United States International Trade Commission supports the negotiation of a Taiwan-United States free trade agreement; and

WHEREAS, a Taiwan-United States free trade agreement would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's security and democracy and serve the broader interests of the United States in the Asia-Pacific region:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the negotiations of a Taiwan-United States free trade agreement; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Taipei Economic and Cultural Office in Kansas City.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 69**.

Emergency clause adopted.

Bill ordered enrolled.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 379** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **HCR 9**; **HCR 15** and **HCS** for **HCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:
HCR 20—Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 18, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Simplified Sales Tax Project

Dear Terry:

Pursuant to Section 104.1006 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following to the Simplified Sales Tax Project:

Senator Michael R. Gibbons (reappointment)

Senator Joan Bray (reappointment)

Jeff Craver (private sector member)

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1109, regarding David Gross, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1110, regarding Sharlett Eftink, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1111, regarding Becky Riney, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1112, regarding Nancy Seyer, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 1113, regarding DiDi Starrett, which was adopted.

Senator Crowell offered Senate Resolution No. 1114, regarding Blake Kidd, which was adopted.

Senator Crowell offered Senate Resolution No. 1115, regarding Prithvi Rudrappa, which was adopted.

Senator Crowell offered Senate Resolution No. 1116, regarding Jimmy Chisholm, which was adopted.

Senator Crowell offered Senate Resolution No. 1117, regarding Yale Gerber, which was adopted.

Senator Crowell offered Senate Resolution No. 1118, regarding Cory Chisholm, which was adopted.

Senator Callahan offered Senate Resolution No. 1119, regarding Iva M. Pickler, Raytown, which was adopted.

Senator Callahan offered Senate Resolution No. 1120, regarding Vivien Haston, Raytown, which was adopted.

Senator Days offered Senate Resolution No. 1121, regarding Brian C. Hubbard, Pasadena Park, which was adopted.

Senator Stouffer offered Senate Resolution No. 1122, regarding Misty Smith, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1123, regarding the birth of Kylee Diane McReynolds, Winfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 1124, regarding the birth of Eric Joel Cole, III, which was adopted.

Senator Stouffer offered Senate Resolution No. 1125, regarding the birth of Katelyn Mercedes Bruner, New Delhi, India, which was adopted.

Senator Stouffer offered Senate Resolution No. 1126, regarding the birth of Caleb Ronald Clark, Portland, Oregon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1127, regarding the birth of Rachel Rose Riley, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1128, regarding Mr. and Mrs. George Michael Friesz, which was adopted.

Senator Stouffer offered Senate Resolution No. 1129, regarding the birth of Hayden Riley Gall, Ethel, which was adopted.

Senator Stouffer offered Senate Resolution No. 1130, regarding the birth of Owen Robert Orskog, Kirksville,

which was adopted.

Senator Stouffer offered Senate Resolution No. 1131, regarding the birth of Abigail Reese Pulliam, Boonville, which was adopted.

Senator Scott offered Senate Resolution No. 1132, regarding Paula Davis, which was adopted.

Senator Scott offered Senate Resolution No. 1133, regarding Sherry Roberts, which was adopted.

Senator Scott offered Senate Resolution No. 1134, regarding Deborah Ross, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Barnitz introduced to the Senate, his parents, George and Elizabeth Barnitz; his wife, Lisa; daughters, Leslie, Camilla and Kenadee, Lake Spring; and other friends and supporters.

Senator Alter introduced to the Senate, his wife, Merijo, High Ridge; his parents, Ed and Eileen Alter; his daughter, Angela Alter-Wren; his grandchildren, Laura Alter and Alexandra and Brendan Wren; his sister-in-law, Molly Alter, St. Louis; and campaign staff, volunteers and friends.

Senator Stouffer introduced to the Senate, Lindsey and Lanell Walker, Kearney.

Senator Taylor introduced to the Senate, his wife, Gay, Shell Knob.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY—TUESDAY, APRIL 19, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 11

HB 12-Lager

HB 13-Lager

THIRD READING OF SENATE BILLS

SCS for SB 500-Gibbons, et al
(In Fiscal Oversight)

SB 254-Engler

SENATE BILLS FOR PERFECTION

SB 199-Gross

SB 402-Gibbons, et al

SB 548-Loudon

SB 196-Ridgeway and Stouffer, with SCS

SB 3-Loudon, with SCS

SB 44-Wheeler and Bray, with SCS

SB 159-Cauthorn

SB 144-Gross, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

HCS for HB 347, with SCS (Dolan)

HCS for HB 441, with SCS (Cauthorn)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS

SB 5-Klindt, with SCS & SS for SCS (pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SBs 37, 322, 78, 351 & 424-Nodler, with SCS

SB 50-Taylor and Nodler, with SCS & SS

for SCS (pending)

SB 55-Klindt, with SCS

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 (pending)

SB 194-Engler

SB 214-Scott, et al, with SCS

SB 220-Dolan

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SB 348-Clemens
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler
SB 481-Shields, with SCS

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)
HB 678-Byrd, with SCS (Bartle)
HB 402-Schaaf, et al (Shields)
HB 280-Walsh, et al (Green)
HB 524-May, et al (Scott)
HB 248-Pearce (Dolan)
HB 342-Baker (123) (Koster)
HB 600-Cooper (155), et al (Clemens)
HCS for HB 379 (Crowell) (In Fiscal
Oversight)
HB 40-Tilley (Engler)
HCS for HB 47, with SCS (Shields)
HB 127-Bivins (Griesheimer)

HCS for HB 215 (Koster)
HB 260-Deeken (Vogel)
HB 345-Baker (123) (Koster)
HB 395-Wood (Taylor)
HCS for HB 422 (Crowell)
HB 431-Wright (137) (Champion)
HB 445-Guest and Whorton (Klindt)
HCS for HB 448 (Coleman)
HB 453-May, et al (Crowell)

HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)
HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)

HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS (Bartle)
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)

HB 423-Kuessner, with SCS (Engler)
HB 528-Cunningham (145), with SCS (Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86)

Reported 4/13

HCS for HB 297, with SCS
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips

HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56
HCS#2 for HB 232, with SCS
HB 413-Hubbard, et al

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal
HB 321-Yates
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

To be Referred

SCR 15-Gibbons

SCR 16-Gross

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott
SCR 12-Koster

SCR 7-Loudon
SCR 8-Ridgeway, with SCS
SCR 6-Ridgeway and Wheeler, with SCS

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY— TUESDAY, APRIL 19, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Man cannot fulfill his destiny alone...” (Elizabeth Cady Stanton)

Almighty God, we acknowledge that if we try to do everything ourselves we will fail. But You have given us others here to help us as we struggle together to produce the best budget we can and if we can acknowledge our weakness and dependency on You, You will guide and aid our hearts and minds to do what must be accomplished. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from Fox News Channel were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1135, regarding the 2004 Lutheran High School Cougars volleyball team, which was adopted.

Senator Wilson offered Senate Resolution No. 1136, regarding Gloria Joseph, Kansas City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 220** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Dolan offered **SS** for **SB 220**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 220

An Act to repeal sections 105.726, 537.600, and 537.610, RSMo, and to enact in lieu thereof four new sections relating to civil liability of state agencies, public entities, and the employees thereof, with an emergency clause for certain sections.

Senator Dolan moved that **SS** for **SB 220** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 220, Page 3, Section 105.705, Line 12, by inserting immediately after said line the following:

“105.711. 1. There is hereby created a “State Legal Expense Fund” which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087, RSMo, or section 537.600, RSMo;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri national guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287, RSMo; or

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state, under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities [or county jails] on a part-time basis, **and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;**

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo, who is employed by or under contract with a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, or a city health department

operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered pursuant to chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, dental, or nursing treatment within the scope of his license or registration at a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such treatment is restricted to primary care and preventive health services, provided that such treatment shall not include the performance of an abortion, and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. Medicaid or medicare payments for primary care and preventive health services provided by a physician, dentist, physician assistant, dental hygienist, or nurse who volunteers at a free health clinic is not compensation for the purpose of this section if the total payment is assigned to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage for the services provided without charge. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician, dentist, physician assistant, dental hygienist, or nurse shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph; or

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(4) Staff employed by the juvenile division of any judicial circuit; or

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit

community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), and (e) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 6 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any physician, dentist, physician assistant, dental hygienist, or nurse for coverage concerning his or her private practice and assets shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. However, a physician, nurse, dentist, physician assistant, or dental hygienist may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), and (e) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 6 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs.

6. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

7. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 220, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“84.030. [Beginning on January 9, 1989, the governor of the state of Missouri] **The mayor of any city subject to sections 84.010 to 84.340**, by and with the advice and consent of the [senate] **board of aldermen or similar governing body**, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years. Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The [governor] **mayor** shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.

84.080. Any one of said commissioners, who, during his term of office, shall accept any other place of public trust or emolument, or who, during the same period, shall knowingly receive any nomination for an office elective by the people, without publicly declining same within twenty days succeeding such nomination, or shall become a candidate for the nomination for any office at the hands of any political party, shall be deemed to thereby forfeit or vacate his office. Any of said commissioners may be removed by the [governor of the state of Missouri] **mayor of a city subject to sections 84.010 to 84.340** upon his being fully satisfied that the commissioner is guilty of any official misconduct.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Dolan raised the point of order that **SA 2** is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Loudon offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 220, Page 4, Section 105.726, Line 19, by inserting immediately after said line the following:

“**210.114. Except as otherwise provided in section 207.085, RSMo, a private contractor, as defined in subdivision (4) of section 210.110, with the children's division that receives state moneys from the division or the department for providing services to children and their families shall be immune from criminal and civil liability for providing such services to the same extent that the children's division has immunity from criminal or civil liability when the division or department directly provides such services.**”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Callahan raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Dolan moved that **SS** for **SB 220**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SB 220**, as amended, was declared perfected and ordered printed.

Senator Shields moved that **SB 481**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 481**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 481

An Act to repeal sections 162.675, 162.725, 162.735, and 162.740, RSMo, and to enact in lieu thereof three new sections relating to special education services.

Was taken up.

Senator Shields moved that **SCS** for **SB 481** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 481, Page 2, Section 162.974, Line 4, by inserting after the word “current” the following: “**state average**”; and

Further amend line 5 by striking the words “on the district”; and

Further amend line 6 by striking the words “annual secretary of the board report”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Bray, **SA 1** was withdrawn.

Senator Shields moved that **SCS** for **SB 481** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 481** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 69**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 69**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Ridgeway assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 11**—Appropriations.

HB 12—Appropriations.

HB 13—Appropriations.

REFERRALS

President Pro Tem Gibbons referred **HB 618** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Gibbons referred **SCR 15** and **SCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

CONCURRENT RESOLUTIONS

Senator Ridgeway moved that **SCR 6**, with **SCS**, be taken up for adoption, which motion prevailed.
SCS for **SCR 6** was taken up.

Senator Nodler assumed the Chair.

Senator Ridgeway moved that **SCS** for **SCR 6** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCR 6**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Wilson—29

NAYS—Senator Bray—1

Absent—Senators

Dougherty	Green	Vogel	Wheeler—4
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Absent with leave—Senators—
None

Vacancies—None

Senator Ridgeway moved that **SCR 8**, with **SCS**, be taken up for adoption, which motion prevailed.
SCS for **SCR 8** was taken up.

Senator Ridgeway moved that **SCS** for **SCR 8** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCR 8**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross

Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators

Bray Green—2

Absent—Senators

Crowell Wheeler—2

Absent with leave—Senators—
None

Vacancies—None

SENATE BILLS FOR PERFECTION

SB 199 was placed on the Informal Calendar.

Senator Gibbons moved that **SB 402** be taken up for perfection, which motion prevailed.

Senator Gibbons offered **SS** for **SB 402**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 402

An Act to repeal sections 302.178, 311.310, 311.325, 570.223, and 577.500, RSMo, and to enact in lieu thereof six new sections relating to underage drinking, with penalty provisions.

Senator Gibbons moved that **SS** for **SB 402** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 402, Page 9, Section 311.325, Line 1, by inserting after all of said line the following:

“311.722. 1. The supervisor of alcohol and tobacco control shall not use minors, to enforce the laws of this chapter or chapter 312, RSMo, unless the supervisor promulgates rules and regulations that establish standards for the use of minors. The standards shall include those in subsection 2 of this section.

2. The supervisor shall establish permissive guidelines for the use of minors in investigations by any state, county, municipal or other local law enforcement authority, and which shall, at a minimum, provide for the following:

- (1) The minor shall be eighteen or nineteen years of age;**
- (2) The minor shall have a youthful appearance, and the minor if a male, shall not have facial hair or a receding hairline, and the minor, if a female, must not wear excessive makeup or excessive jewelry;**
- (3) The state, county, municipal, or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian before the use of such minor;**
- (4) The state, county, municipal, or other local law enforcement agency shall make a photocopy of the minor's valid identification, showing the minor's correct date of birth;**

(5) Any attempt by such minor to purchase intoxicating liquor or nonintoxicating beer shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the intoxicating liquor or nonintoxicating beer at the licensed establishment;

(6) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the intoxicating liquor or nonintoxicating beer at the licensed establishment;

(7) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age;

(8) The minor shall not lie to the seller of intoxicating liquor or nonintoxicating beer at the licensed establishment in order to induce a sale of intoxicating liquor or nonintoxicating beer;

(9) The minor shall not be employed by the state, county, municipal, or other local law enforcement agency on an incentive or quota basis;

(10) The state, county, municipal, or other local law enforcement agency shall, within forty-eight hours, contact, or take all reasonable steps to contact the owner or manager of a licensed establishment, if a violation occurs;

(11) The minor associated with a state, county, municipal, or other local law enforcement agency shall not visit a licensed establishment for the purpose of enforcement, during shift changes of the establishment;

(12) The state, county, municipal, or other local law enforcement agency shall, maintain records of each visit to a licensed establishment where a minor is used by the state, county, municipal or other local law enforcement agency for a period of at least one year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

(a) The signed consent form of the minor's parent or legal guardian;

(b) A polaroid or other photograph of the minor taken before the visit;

(c) The photocopy of the minor's valid identification, showing the minor's correct date of birth;

(d) An information sheet, which is completed by the minor; and

(e) The name of each licensed establishment visited by the minor, and the date and time of each visit.

3. The supervisor of alcohol and tobacco control shall not participate with any state, county, municipal, or other local law enforcement agency, nor discipline any licensed establishment when any state, county, municipal, or other local law enforcement agency chooses not to follow the supervisor's permissive standards.

4. Any minors used in investigations under this section shall be exempt from any violations under chapter 311 and chapter 312, during the time they are under the direct control of the state, county, municipal, or other law enforcement authorities.”;and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer offered SSA 1 for SA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 402, Page 9, Section 311.325, Line 1, by inserting after all of said line the following:

“311.722. 1. The supervisor of alcohol and tobacco control shall not use minors, to enforce the laws of this chapter or chapter 312, RSMo, unless the supervisor promulgates rules and regulations that establish standards for the use of minors. The standards shall include those in subsection 2 of this section.

2. The supervisor shall establish permissive guidelines for the use of minors in investigations by any state, county, municipal or other local law enforcement authority, and which shall, at a minimum, provide that the minor shall be eighteen or nineteen years of age.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 402, Page 1, In the Title, Line 3, by striking “underage drinking” and

inserting in lieu thereof the following: “substance abuse”; and

Further amend said bill page 1, section 160.069, line 8, by inserting after all of said line the following:

“160.782. 1. Any person who provides construction services under contract within two thousand feet of a public or private elementary or secondary school, public vocational school, or public or private junior college, college, or university or any land grant university shall submit to a chemical test for the purpose of determining the drug content of that person's blood prior to working in such area. The provision of this subsection shall not apply to any person who has submitted to a chemical test for the employer within six months of commencement of the construction and the results of such test were negative.

2. A “verified positive test result” means a test result that was positive on an initial Food and Drug Administration approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay, or other confirmatory tests approved by the department of health and human services and reviewed and verified by the medical review officer.

3. “Medical review officer” means a licensed physician responsible for receiving laboratory results who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate all positive test results together with a tested individual's medical history and any other relevant biomedical information.

4. Any individual subject to testing under this plan shall be permitted to provide urine specimens in private, in a restroom stall or similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender as the individual tested, however, may observe the individual providing the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided. Collection site personnel may have reason to believe that a particular individual may alter or substitute the specimen to be provided when the individual:

- (1) Previously has been found to have tested positive for an illegal drug; or**
- (2) Previously has tampered with a sample.**

5. After an individual yields a verified positive test, a contractor shall not allow such a person to work on the school project and may:

- (1) Take appropriate personnel action against such employee up to and including termination; and**
- (2) If the employee is not terminated, require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.”; and**

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Wilson offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 402, Page 7, Section 311.310, Lines 7-9, by striking the words “, unless such person allowing the person under the age of twenty-one to drink or possess alcohol is his or her parent or guardian”.

Senator Wilson moved that the above amendment be adopted, which motion failed.

Senator Griesheimer assumed the Chair.

Senator Ridgeway offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 402, Page 7, Section 311.310, Line 11, by inserting immediately following all of said line the following: **“3. Any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property is prohibited from recklessly allowing a person under the age of twenty-one to drink or possess alcohol or recklessly failing to stop a person under the age of twenty-one from drinking or possessing alcohol on such property, unless such person allowing the person under the age of twenty-one to drink or possess alcohol is his or her parent or guardian. A person who violates the provisions of this subsection is guilty of a class B misdemeanor.”.**

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 402, Page 5, Section 302.178, Lines 21-22, by striking “sixteen and one-half” and inserting in lieu thereof the following: “**eighteen**”; and

Further amend line 22 by striking the words “sixteen and one-half” and inserting in lieu thereof the word “**eighteen**”; and

Further amend line 28 by striking the words “sixteen and one-half” and inserting in lieu thereof the word “**eighteen**”; and

Further amend said bill, section 577.500, page 15, line 10, by inserting after “5.” the following: “**Except as provided in subsection 6 of this section,**”; and

Further amend line 13 by inserting after all of said line the following:

“6. For a person between the ages of sixteen and twenty-one, the period of suspension for a first offense under subdivisions 1 and 2 of subsection 1 shall be two years. For a person between the ages of sixteen and twenty-one, any second or subsequent offense under subdivisions 1 and 2 of subsection 1 shall result in revocation of the offender’s driving privileges for four years.”.

Senator Shields moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Gibbons moved that **SS** for **SB 402**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SB 402**, as amended, was declared perfected and ordered printed.

At the request of Senator Loudon, **SB 548** was placed on the Informal Calendar.

At the request of Senator Ridgeway, **SB 196**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Loudon, **SB 3**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wheeler, **SB 44**, with **SCS**, was placed on the Informal Calendar.

SB 159 was placed on the Informal Calendar.

Senator Gross moved that **SB 144**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 144**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 144

An Act to repeal section 478.600, RSMo, and to enact in lieu thereof one new section relating to the eleventh judicial circuit.

Was taken up.

Senator Gross moved that **SCS** for **SB 144** be adopted.

Senator Gross offered **SS** for **SCS** for **SB 144**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 144

An Act to repeal sections 478.570 and 478.600, RSMo, and to enact in lieu thereof two new sections relating to judicial circuits.

Senator Gross moved that **SS** for **SCS** for **SB 144** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SB 144**, was declared perfected and ordered printed.

Senator Loudon moved that **SB 2**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Loudon offered **SS** for **SCS** for **SB 2**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 188.010, 188.015, 188.025, 188.052, 188.055, 188.070, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof eighteen new sections relating to abortion and alternatives to abortion services, with penalty provisions.

Senator Loudon moved that **SS** for **SCS** for **SB 2** be adopted.

President Kinder assumed the Chair.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 10, Section 160.068, Line 16 of said page, by striking the word “subsection” and inserting in lieu thereof the word “**section**”; and further amend line 18 of said page, by striking the word “subsection” and inserting in lieu thereof the word “**section**”.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 19, Section 188.250, Line 13 of said page, by inserting immediately after said line the following:

“6. The provisions of this section shall not apply to any grandparent, sibling, aunt, or uncle of a minor.”.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Koster assumed the Chair.

Senator Wheeler offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 18, Section 188.080, Lines 5-7, by deleting the following: “located within thirty miles of the location at which the abortion is performed or induced”.

Senator Wheeler moved that the above amendment be adopted, which motion failed.

Senator Bray offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 19, Section 188.250, Line 13 of said page, by inserting immediately after said line the following:

“6. The provisions of this section shall not apply in the case to save the life of the minor.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 2**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 69**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1137, regarding the Sixty-Second Wedding Anniversary of Mr. and Mrs. Wallace Mallory, Carrollton, which was adopted.

Senator Wheeler offered Senate Resolution No. 1138, regarding the Ninetieth Birthday of Allen J. Block, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1139, regarding Robert Smith, Lathrop, which was adopted.

Senator Mayer offered Senate Resolution No. 1140, regarding Rachel Joy Wollard, Naylor, which was adopted.

On motion of Senator Shields, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 402**; **SS** for **SCS** for **SB 144**; **SCS** for **SB 481**; and **SS** for **SB 220**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 2**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Bray requested a roll call vote be taken on the adoption of **SA 4** and was joined in her request by Senators Coleman, Days, Dougherty and Wilson.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

Absent—Senators

Dougherty	Klindt—2
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Absent with leave—Senators—
None

Vacancies—None

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 26, Section 301.3030, Line 7, by striking the word “both”; and further amend said section, page 27, line 20, by inserting after “6.” the following:

“Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license

plate to the vehicle owner.”.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 28, Section 301.3030, Line 4, of said page, by inserting immediately after said line the following:

“Section 1. To reduce the number of unintended pregnancies, the state of Missouri shall establish the “Missouri Family Planning Program” by fiscal year 2007 with an initial funding amount of five million dollars. The program shall be open to all qualified providers. Family planning shall include, but not be limited to: breast and cervical cancer checks; screening and treatment for sexually transmitted diseases (STDs); HIV screening; voluntary choice of contraception, including natural family planning; infertility management; patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy; education on sexual coercion and violence in relationships; and prenatal and other health care referrals.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Wheeler.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Dougherty
Graham	Green	Wheeler	Wilson—8

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—25			

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

Senator Bray offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 28, Section 301.3030, Line 4, by inserting after all of said line the following:

“301.3135. 1. Any person may receive special license plates with words and an emblem that denotes support for choice, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund. Such license plates shall be called “Freedom=Choice”.

2. Freedom=choice license plates shall bear the words “Freedom=Choice” in place of the words “SHOW-ME STATE” and shall bear the image of two human figures holding hands. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri freedom=choice support fund. Upon the receipt of such contribution, payment of a fifteen dollar fee in addition to the regular registration fees, payment of the regular registration fees, and presentation of other documents that may be required by law, the director of revenue shall issue freedom=choice license plates to the vehicle owner.

4. There shall be no limit on the number of sets of freedom=choice license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of freedom=choice license plates.

5. A vehicle owner who was previously issued freedom=choice license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund at a subsequent time of registration shall be issued new plates that are not freedom=choice license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of freedom=choice license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri freedom=choice support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri freedom=choice support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

8. There is hereby established in the state treasury the “Missouri Freedom=Choice Support Fund”. The state treasurer shall credit to and deposit in such fund:

- (1) Moneys that may be required by law to be credited to or deposited in such fund;**
- (2) Moneys that may be appropriated to it by the general assembly;**
- (3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards, or from federal, state, or local sources; and**
- (4) Any other sources granted or given for this specific purpose.**

9. The state treasurer shall invest moneys in the Missouri freedom=choice support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri freedom=choice support fund shall not revert to the credit of general revenue at the end of the biennium.

11. Moneys credited to and deposited in the Missouri freedom=choice support fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

12. Until the amount in the Missouri freedom=choice support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the

state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

13. The Missouri freedom=choice support fund shall be used to provide and promote family planning services by grants to, or contracts with, providers of family planning services in this state. The general assembly shall appropriate moneys from the freedom=choice support fund to providers of family planning services and pursuant to the provisions of this act. None of these funds appropriated herein may be used for abortion or counseling for abortion.

14. As used in this section, “family planning services” shall include, but not be limited to, the following services: breast exams for the early detection of breast cancer, Pap test for the detection of cervical cancer, gynecologic exams, testing and treatment of sexually transmitted infections, health screenings for high blood pressure and diabetes, pregnancy testing, nondirective pregnancy counseling, domestic violence and sexual abuse education, counseling and referral for mental health and substance abuse, contraceptive counseling and client-appropriate birth control methods, infertility management, and preconception counseling.”; and

Further amend the title and enacting clause accordingly.
Senator Bray moved that the above amendment be adopted, which motion failed.
Senator Days offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 19, Section 188.250, Line 13, of said page, by inserting immediately after said line the following:

“6. The provisions of this section shall not apply in the case of a minor who obtains an abortion as a result of rape or incest.”.

Senator Days moved that the above amendment be adopted.

Senator Bray requested a roll call vote be taken on the adoption of SA 8 and was joined in her request by Senators Coleman, Days, Green and Wheeler.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Green	Wheeler	Wilson—7	

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senators

Dougherty	Kennedy	Klindt—3
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Absent with leave—Senators—
None

Senator Bray offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 5, Section 33.900, Line 13, by inserting after all of said line the following:

“(7) Nothing in this section will be construed as a prohibition against the expenditure of funds used for medical research involving pluripotent stem cells.”.

Senator Bray moved that the above amendment be adopted.

Senator Days requested a roll call vote be taken on the adoption of **SA 9** and was joined in her request by Senators Bray, Coleman, Graham and Wilson.

Senator Dolan raised the point of order that **SA 9** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Coleman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 25, Section 188.305, Line 4, of said page, by inserting after all of said line the following:

“191.717. 1. Sections 191.717 and 191.718 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”.

2. As used in sections 191.717 to 191.718, unless the context clearly indicates otherwise, the following terms shall mean:

(1) “Emergency care to sexual assault victims”, medical examinations, procedures, or services provided at a hospital to a sexual assault victim following an alleged rape;

(2) “Emergency contraception”, any drug or device approved by the Food and Drug Administration that prevents pregnancy after sexual intercourse;

(3) “Medically and factually accurate and objective”, verified or supported by the weight of research conducted in compliance with accepted scientific methods and is published in peer-reviewed journals where applicable; or comprising information that leading professional organizations and agencies with relevant expertise in the field, such as the American College of Obstetricians and Gynecologists (ACOG), recognize as accurate and objective;

(4) “Sexual assault”, as defined in section 566.040, RSMo;

(5) “Sexual assault victim”, a female who is alleged to have been raped and is presented as a patient.

191.718. 1. It shall be the standard of care for any hospital and any health care facility that provides emergency care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and factually accurate and objective written and oral information about emergency contraception;

(2) Orally inform each sexual assault victim of her option to be provided emergency contraception at the hospital; and

(3) Provide the complete regimen of emergency contraception immediately at the hospital or health care facility to each sexual assault victim who requests it.

2. Hospitals and health care facilities shall ensure that each person who provides care to sexual assault victims is provided with medically and factually accurate and objective information about emergency contraception.

3. The department of health and senior services shall develop, prepare, and produce informational materials relating to emergency contraception for the prevention of pregnancy for distribution to use in any hospital or health care facility in the state in quantities sufficient to comply with the requirements of this section. The director, in collaboration with community sexual assault programs, may also approve informational materials

from other sources.

4. The information materials must:

- (1) Be medically and factually accurate and objective;**
- (2) Be clearly written and readily comprehensible in a culturally competent manner, as the department deems necessary to inform victims of sexual assault; and**
- (3) Explain the nature of emergency contraception, including its use, safety, efficacy, and availability, and that it does not cause abortion.**

5. The department of health and senior services shall respond to complaints and shall periodically determine whether hospitals and health care facilities are complying with the provisions of this section. The department may use all investigative tools available to verify compliance. If the department determines that a hospital or health care facility is not in compliance, the department shall:

(1) Impose a fine of five thousand dollars per woman who is denied medically and factually accurate and objective information about emergency contraception or who is not offered or provided emergency contraception; and

(2) Impose a fine of five thousand dollars for failure to comply with the provisions of this section and for every thirty days that a hospital or health care facility is not in compliance, an additional fine of five thousand dollars shall be imposed.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 25, Section 188.305, Line 4 of said page, by inserting after all of said line the following:

“191.717. 1. Section 191.717 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”. All hospitals in Missouri are encouraged to adopt policies and procedures to compassionately assist victims of sexual assaults.”.

At the request of Senator Loudon, **SSA 1** for **SA 10** was withdrawn.

Senator Loudon offered **SSA 2** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 25, Section 188.305, Line 4 of said page, by inserting after all of said line the following:

“191.717. Section 191.717 may be cited as the “Compassionate Assistance for Rape Emergencies (CARE) Act”. All hospitals in Missouri are encouraged to adopt policies and procedures to compassionately assist victims of sexual assaults.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Coleman raised the point of order that **SSA 2** for **SA 10** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem who ruled it not well taken.

At the request of Senator Loudon, **SSA 2** for **SA 10** was withdrawn.

SA 10 was again taken up.

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Graham and Wheeler.

SA 10 failed of adoption by the following vote:

YEAS—Senators

Bray

Coleman

Days

Graham

Wheeler

Wilson—6

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators—
None

Vacancies—None

Senator Bray offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 11, Section 188.010, Line 16, by inserting at the end of said line the following:

“For the purposes of this section the term human shall not include pluripotent stem cells.”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Graham, Wheeler and Wilson.

Senator Bartle raised the point of order that **SA 11** is out of order as it is not germane to the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Loudon moved that **SS** for **SCS** for **SB 2**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 2**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 316** and **SCS** for **SB 481** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 18, 2005

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Health Facilities Review Committee

Dear Terry:

Pursuant to Section 197.310 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Missouri Health Facilities Review Committee:

Senator Jon Dolan

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Senator Shields submitted the following:

April 19, 2005

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Office 325

Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 93rd General Assembly's Senate Parkland Caucus at the January 20th, 2005 meeting.

Please add the following members to the caucus:

- Senator Bill Alter
- Senator Frank Barnitz

Sincerely,

/s/ Charlie

Charlie Shields

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Ralph Huesing, Clarksville; Pam Sanderson, Fayette; Gayla Roten, Branson; Bridgette Epple, Washington; Diane Hannah, Clinton; and Deborah Hartwig, Branson; members of the Missouri Main Street Program.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Patrick O'Donnell, M.D. and his wife, Maria, Chesterfield.

Senator Kennedy introduced to the Senate, Steven N. Middlekamp, St. Louis.

Senator Koster introduced to the Senate, Annette Leathers and students from Garden City Training Center.

Senator Taylor introduced to the Senate, Larry Moennig, Monett; Randy Henderson, Purdy; and Landon Fletcher, Cassville.

Senator Griesheimer introduced to the Senate, fourth grade students from St. Gertrudes Catholic School, Krakow.

Senator Kennedy introduced to the Senate, twenty eighth grade students from St. Matthias the Apostle School, St. Louis.

Senator Bray introduced to the Senate, Kerri Clingler, Gretchen Heinricks, Tess Coyman and Eric Fledderman, St. Monica's School, Creve Coeur; and Kerri, Gretchen, Tess and Eric were made honorary pages.

On behalf of Senator Alter and himself, Senator Engler introduced to the Senate, one hundred fifty students from Hillsboro Grade School.

Senator Dolan introduced to the Senate, Lyn Biesendorfer and fifth and sixth grade students from Messiah Lutheran School, St. Charles.

Senator Cauthorn introduced to the Senate, Pam Hitchcock and her daughters, Nicole and Natalie, Mexico.

On behalf of Senator Wheeler and herself, Senator Ridgeway introduced to the Senate, Jo-Chin Wang and Henry Fan, Kansas City.

Senator Griesheimer introduced to the Senate, Dr. Ve Ainn Tilson, Steve Coble, Connie Rinne and Dr. Virgil Weideman, Union.

Senator Callahan introduced to the Senate, Doug Dunlop and seventh grade students from Messiah Lutheran School, Independence.

Senator Loudon introduced to the Senate, his wife, Gina, Chesterfield; and David and Jonathan Glaser, Wildwood.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SIXTH DAY—WEDNESDAY, APRIL 20, 2005

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 500-Gibbons, et al
(In Fiscal Oversight)
SB 254-Engler
SS for SB 402-Gibbons

SS for SCS for SB 144-Gross
SCS for SB 481-Shields
(In Fiscal Oversight)
SS for SB 220-Dolan

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)
HCS for HB 347, with SCS (Dolan)

HCS for HB 441, with SCS (Cauthorn)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS
SB 5-Klindt, with SCS & SS for SCS
(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SBs 37, 322, 78, 351 & 424-Nodler, with
SCS
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 (pending)
SB 194-Engler
SB 196-Ridgeway and Stouffer, with SCS

SB 199-Gross
SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SB 348-Clemens
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)
HB 678-Byrd, with SCS (Bartle)
HB 402-Schaaf, et al (Shields)
HB 280-Walsh, et al (Green)
HB 524-May, et al (Scott)
HB 248-Pearce (Dolan)
HB 342-Baker (123) (Koster)
HB 600-Cooper (155), et al (Clemens)
HCS for HB 379 (Crowell) (In Fiscal

Oversight)

HB 40-Tilley (Engler)
HCS for HB 47, with SCS (Shields)
HB 127-Bivins (Griesheimer)
HCS for HB 215 (Koster)
HB 260-Deeken (Vogel)
HB 345-Baker (123) (Koster)
HB 395-Wood (Taylor)

HCS for HB 422 (Crowell)
HB 431-Wright (137) (Champion)
HB 445-Guest and Whorton (Klindt)
HCS for HB 448 (Coleman)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)
HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS (Bartle)
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al (Crowell)
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)

HB 618-Bearden, et al, with SCS (Gross)
(In Fiscal Oversight)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)

HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster
SCR 7-Loudon

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY— WEDNESDAY, APRIL 20, 2005

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Is not the Lord among us?” (Micah 3:11b)

Gracious God, we seek Your presence among us and ask that we might hear Your word and live our lives in harmony with You so we will live today as You direct us and be the better for it. Help us to hear each other clearly and make effective decisions that makes today better than yesterday. And Lord, we pray for the new Pope of the Roman Catholic Church that Your Spirit may guide him and dialogue among the religious leaders throughout this world may improve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent with leave—

Senators—None

Vacancies—None

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 348** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Clemens offered **SS** for **SB 348**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 348

An Act to repeal section 324.484, RSMo, and to enact in lieu thereof one new section relating to exemption of dentists from acupuncture licensing requirements.

Senator Clemens moved that **SS** for **SB 348** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 348, Section A, Page 1, Line 3, by inserting after all of said line the following:

26.350. 1. There is hereby established within the department of health and senior services the position of the Missouri surgeon general. The Missouri surgeon general shall be appointed by the governor with the advice and consent of the senate, and shall be a physician of good standing in the community who is licensed under chapter 334, RSMo, with a masters degree in public health or a masters degree in health management training, or commensurate experience in public policy.

2. The duties of the Missouri surgeon general shall include but not be limited to the following:

(1) Serving as chairperson of the state board of health;

(2) Advise the director of the department of health and senior services on developing strategies to improve the following health indicators:

(a) Tobacco use;

(b) Incidence of obesity;

(c) Health disparities;

(d) Hypertension;

(e) Nutrition;

(f) Immunizations;

(g) Disease and injury prevalence;

(h) Substance abuse prevalence;

(i) Workplace injuries; and

(j) Disability prevention;

(3) Providing health information through public appearances at Missouri schools, places of employment, and other private and public institutions and organizations upon request;

(4) Attendance at health promotion events;

(5) Creation of an Internet web site to promote healthy lifestyles for Missourians;

(6) Public health promotion, health literacy, health promotion, and prevention of disease efforts; and

(13) An examination of Missouri's participation in Health People 2010.

3. The Missouri surgeon general shall hold office for a term of four years.

4. The Missouri surgeon general shall act independently of the department of health and senior services, the

department of social services, and the department of mental health in the performance of his or her duties. The office of administration shall provide administrative support and staff as deemed necessary.

5. The Missouri surgeon general shall submit an annual report to the speaker of the house of representatives, the president pro tempore of the senate and the governor before January thirty-first of each year. The surgeon general's report shall include information on the current overall health of the citizens of Missouri and any recommendations for improvements.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 1** is out of order as it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Clemens moved that **SS** for **SB 348** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SB 348** was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 196**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 196

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

Was taken up.

Senator Ridgeway moved that **SCS** for **SB 196** be adopted.

Senator Ridgeway offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 196, Page 9, Section 144.030, Line 265, by deleting the following: “, **any spent carbon products**”.

Senator Ridgeway moved that the above amendment be adopted, which motion prevailed.

President Kinder assumed the Chair.

Senator Ridgeway moved that **SCS** for **SB 196**, as amended, be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **SB 196**, as amended, was declared perfected and ordered printed.

Senator Engler moved that **SB 194** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Engler, **SB 194** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 500**; **HB 618**, with **SCS**; and **HCS** for **HB 379**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 500**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 500An Act to repeal section 162.700, RSMo, and to enact in lieu thereof nine new sections relating to family cost participation in the Missouri first steps program, with an emergency clause.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS** for **SB 500** was read the 3rd time and passed by the following vote:

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—28

NAYS—Senators			
Bray	Coleman	Dougherty	Kennedy
Wheeler	Wilson—6		

Absent—Senators—None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Engler	Gibbons
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—27	

NAYS—Senators			
Bray	Coleman	Dougherty	Graham
Kennedy	Wheeler	Wilson—7	

Absent—Senators—None

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 254, introduced by Senator Engler, entitled:

An Act to amend chapter 577, RSMo, by adding thereto two new sections relating to prescription medication at school, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SB 254** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 185**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Scott assumed the Chair.

Senator Callahan offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 185, Page 1, Section 34.209, Line 4 by inserting immediately after “non-union” the following: “**contractors or**”; and

Further amend same page, same section, line 6, by inserting immediately after said line the following: “And further amend same section, page 2, line 29 by inserting immediately after said line the following: ‘**Any bidder, offeror, contractor or subcontractor subject to the provisions of sections 34.203 to 34.215 shall certify to the state or political subdivision, agency or instrumentality thereof that the bidder, offeror, contractor or subcontractor qualifies to do business with the state or political subdivision, agency or instrumentality thereof. In order to qualify, the bidder, offeror, contractor or subcontractor must:**

(1) have an ERISA-qualified medical welfare benefit plan;

(2) have an apprenticeship program approved by and registered with the United States department of labor’s bureau of apprenticeship and training;

(3) have an ERISA-qualified pension or retirement benefit program;

(4) provide a premium cost or contribution rate, as well as a benefit configuration of each of the programs mentioned in subparagraphs (1) through (3) of this subsection 2, no less than that required section 290.210 through 290.340 RSMo.

3. Under no circumstances shall a contractor who fails to qualify to do business with the state or a political subdivision, agency or instrumentality thereof be awarded any contract for public works projects.’”.

Senator Callahan moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

Absent—Senator Barnitz

—1

Absent with leave—
Senators—None

Vacancies—None

A quorum was established by the following vote:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson--31	

Absent—Senators

Coleman	Crowell	Klindt—3
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Absent with leave—
Senators—None

Vacancies—None

At the request of Senator Loudon, **SB 185**, with **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

The Senate observed a moment of silence in memory of Trouper Ralph Tatoian.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bernal J. Bailey, Republican, 28025 Oak Leaf Road, Oregon, Holt County, Missouri 64473, as a member of the Missouri Ethanol and Other Renewable

Fuel Sources Commission, for a term ending March 25, 2007, and until his successor is duly appointed and qualified; vice, Donald Wilson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Silvey J. Barker, Republican, 503 West Main, East Prairie, Mississippi County, Missouri 63845, as a member of the Mississippi River Parkway Commission, for a term ending September 15, 2008, and until her successor is duly appointed and qualified; vice, Susan Musgrave, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrick J. Barrett, 669 Wyndham Crossings Circle, Des Peres, Saint Louis County, Missouri 63131, as a member of the Missouri Horse Racing Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, Robert Cox, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Daniel P. Card II, 9 Taylor Woods Drive, Kirkwood, Saint Louis County, Missouri 63122, as Chairman of the Governor's Council on Disability, for a term ending October 1, 2007, and until his successor is duly appointed and qualified; vice, RSMo 286.200.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gloria J. Carter-Hicks, 16811 Sunset Circle Drive, Wildwood, Saint Louis County, Missouri 63640, as a member of the Missouri Training and

Employment Council, for a term ending August 28, 2005, and until her successor is duly appointed and qualified; vice, Elaine West, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Debra L. Cochran, 2215 Kehrsglen Court, Chesterfield, Saint Louis County, Missouri 63005, as a member of the State Board of Senior Services, for a term ending August 30, 2008, and until her successor is duly appointed and qualified; vice, C. Lillian Metzger, term expired.

Respectfully submitted,
MATT BLUNT
Governor

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Fordyce, Republican, 31888 East 240th Avenue, Bethany, Harrison County, Missouri 64424, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2007, and until his successor is duly appointed and qualified; vice, Larry Furbeck, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David L. Gourley, D.V.M., Republican, 3432 Coke Road, Mountain Grove, Wright County, Missouri 65711, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2006, and until his successor is duly appointed and qualified; vice, Dan Brown, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nelson C. Grumney, Jr., Republican, 2 Saint Andrews Drive, Saint Louis, Saint Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2008, and until his successor is duly appointed and qualified; vice, Nelson C. Grumney, Jr., reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald G. Hardecke, Republican, 3944 Blocks Branch Road, Owensville, Gasconade County, Missouri 65066, as a member of the Clean Water Commission, for a term ending April 12, 2006, and until his successor is duly appointed and qualified; vice, Janice Greene, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary L. Heldt, 1097 Highway 94, Hermann, Montgomery County, Missouri 65041, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until his successor is duly appointed and qualified; vice, Theodore Beaty, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Patrice O'Neil Mugg, 626 North Geyer Road, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Children's Trust Fund Board, for a term ending September 15, 2007, and until her successor is duly appointed and qualified; vice, Kaye Steinmetz, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James E. Ricks, 3242 Bordeau, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2009, and until his successor is duly appointed and qualified; vice, Dr. David B. Henson, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cathy E. Stroud, Republican, 5957 South Brightwater Trail, Springfield, Greene County, Missouri 65810, as a member of the Credit Union Commission, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Cathy Stroud, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard Dennis Voisey, Republican, 5767 Lilac Trails Drive, Saint Louis, Saint Louis County, Missouri 63128, as a member of the Air Conservation Commission, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Joanne Collins, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Bruce V. Work, 2280 Highway DD, Cuba, Crawford County, Missouri 65453, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2007, and until his successor is duly appointed and qualified; vice Judy Baker, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter W. Goode, 7231 Winchester, Pasadena Hills, Saint Louis County, Missouri 63121, as a member of the Second State Capitol Commission, for a term ending April 18, 2008, and until his successor is duly appointed and qualified; vice, Burton Boxerman, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gerald W. Jones, Republican, 206 County Road 601, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Andrew K. Kapp, Democrat, 22750 County Road 272, Clarksdale, Andrew County, Missouri 64430, as a member Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2009, and until his successor is duly appointed and qualified; vice, Scott E Ramshaw, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Gary L. Mallory, 519 London Way, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2008, and until his successor is duly appointed and qualified; vice, Jerry Duvall, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri

Jefferson City

65101

April 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David H. Pikka, 15 Burgher Drive, Rolla, Phelps County, Missouri 65401, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2007, and until his successor is duly appointed and qualified; vice, James D. Corwin, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 19, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Melvin F. Schebaum, 308 Old Gibler Road, Jefferson City, Cole County, Missouri 65109, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2009, and until his successor is duly appointed and qualified; vice, Robert Abernathy, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 15, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Jeffrey P. Appleman to the State Board of Podiatric Medicine, submitted on April 13, 2005. Line 1 should be amended as follows:

“Jeffrey Appleman, D.P.M., Republican, 444 Hilltop Meadows, Jackson,”

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 20, 2005

The Honorable Michael Gibbons

President Pro Tem

Missouri State Capitol, Room 326

Jefferson City, MO 65101

Dear President Pro Tem Gibbons:

Effective immediately, I resign from the Aging, Families, Mental and Public Health Committee. I do so to make room for the appointment of Senator Alter to this committee.

Thank you for your consideration of this matter.

Respectfully,

/s/Jon

Jon Dolan

Also,

April 20, 2005

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Jon Dolan, I am hereby appointing Senator Bill Alter to the Senate Aging, Families, Mental and Public Health Committee.

Yours truly,

/s/Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 19, 2005

President Pro Tem Michael R. Gibbons
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

Effective immediately, I respectively resign as a member of the Senate Judiciary and Civil and Criminal Jurisprudence Committee in order to accommodate the request of newly elected Senator Bill Alter to serve on the Committee.

Yours truly,

/s/Carl M. Vogel

Senator Carl M. Vogel

Also,

April 20, 2005

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Carl Vogel, I am hereby appointing Senator Bill Alter to the Senate Judiciary and Civil and Criminal Jurisprudence Committee.

Yours truly,

/s/Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 19, 2005

Senate President Pro Tem Mike Gibbons
State Capitol, Room 326
Jefferson City, MO 65101

Dear Sen. Gibbons:

This is official notice that I have resigned my membership on the Senate Agriculture, Conservation, Parks & Natural Resources Committee. I am doing

this in order for newly-elected Sen. Frank Barnitz to have a position on the committee.

Thank you for your attention to this matter.

Sincerely,
/s/Chuck Graham
Sen. Chuck Graham
District 19

Also,

April 20, 2005

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Chuck Graham, I am hereby appointing Senator Frank Barnitz to the Senate Agriculture, Conservation, Parks & Natural Resources Committee.

Yours truly,
/s/Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

April 19, 2005
The Honorable Mike Gibbons
President Pro - Tem
Missouri State Senate
Room 326
Jefferson City, Missouri 65101

Dear Mike,

Effective immediately, I am resigning my position on the Senate Transportation Committee.

If you have any questions, please let me know.

Sincerely yours,
/s/Victor E. Callahan
Victor E. Callahan
State Senator - 11th District

Also,

April 20, 2005

Mrs. Terry Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Victor Callahan, I am hereby appointing Senator Frank Barnitz to the Senate Transportation Committee.

Yours truly,
/s/Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1141, regarding the One Hundredth Birthday of Jessie May Mavity, Tarkio, which was adopted.

Senator Klindt offered Senate Resolution No. 1142, regarding Jared Scott Lee, Weatherby, which was adopted.

Senator Klindt offered Senate Resolution No. 1143, regarding Daniel Ray “Danny” Benedict, Winston, which was adopted.

Senator Green offered Senate Resolution No. 1144, regarding the late Deborah Wallace, Bellefontaine Neighbors, which was adopted.

Senator Stouffer offered Senate Resolution No. 1145, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. John Dee Shirley, Bogard, which was adopted.

Senator Stouffer offered Senate Resolution No. 1146, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard “Dick” Butterfield, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1147, regarding Range Line Presbyterian Church, Houstonia, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1148, regarding Dwight Jackson Bowlin, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1149, regarding Aaron Thomas Bennett, North Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1150, regarding Tyler Wilson Park, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1151, regarding Bryan Lucas Moorefield, Kansas City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 348**; **SCS** for **SB 196**; **SB 194**; and **SS** for **SCS** for **SB 2**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 185**, with **SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 1** was again taken up.

A quorum was established by the following vote:

Present—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Days	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		
	Absent—Senators		
Barnitz	Crowell	Dolan	Dougherty—4
	Absent with leave— Senators—None		
	Vacancies—None		

At the request of Senator Loudon, **SB 185**, with **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Griesheimer.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

April 20, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on March 15, 2005 for your advice and consent:

Judith G. Haggard, 300 West Washington, Kennett, Dunklin County, Missouri 63857, as a member of the Life Sciences Research Committee, for a term ending April 8, 2008 and until her successor is duly appointed and qualified; vice, William J Longmore, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 144**; **SS** for **SB 220**; **SS** for **SB 402**; **SCS** for **SB 196**; and **SS** for **SCS** for **SB 2** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 20, 2005

President Pro Tem Michael Gibbons

State Capitol Building
Jefferson City, MO 65101

Dear Senator Gibbons,

Effective at the end of the day, I hereby resign my position on the Senate Education Committee.

Sincerely,

/s/Kevin Engler

Senator Kevin Engler

3rd Senate District

Also,

April 20, 2005

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Kevin Engler, I am hereby appointing Senator Bill Alter to the Senate Education Committee.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 20, 2005

The Honorable Michael R. Gibbons

President Pro-Tem

Missouri Senate

Room 326, State Capitol

Jefferson City, MO 65101

Dear Mike:

I respectfully request that you remove me from the Senate Small Business, Insurance and Industrial Relations Committee. I have been named Chairman of the Joint Committee on Corrections making me unable to give quality time to all of the committees I currently serve.

I appreciate your indulgence.

Thank you.

Sincerely,

/s/ David G. Klindt

David G. Klindt

State Senator - District 12

Also,

April 20, 2005

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator David Klindt, I am hereby appointing Senator Bill Alter to the Senate Small Business, Insurance and Industrial Relations Committee.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

Also,

April 20, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Missouri Advisory Council on Pain and Symptom Management

Dear Terry:

Pursuant to Section 192.350 of the Revised Statutes of Missouri (RSMo 2004), I am appointing the following senator to the Missouri Advisory Council on Pain and Symptom Management:

Senator Bill Alter

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

RESOLUTIONS

Senator Koster offered Senate Resolution No. 1152, regarding Zoe Kushner, Warrensburg, which was adopted.

Senator Dolan offered Senate Resolution No. 1153, regarding the Freedom of the Road Riders, Incorporated, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Frank J. Ziegler, Jr., Lemay.

Senator Griesheimer introduced to the Senate, Tiffany Tocco, Wildwood; and Tiffany was made an honorary page.

Senator Engler introduced to the Senate, Debbie Lee and Sandra Skaggs, Farmington; Nicki Johnson, Fredericktown; Tina Tough, Pilot Knob; and Chris Warren, Desloge; representatives of Mineral Area College Student Government.

On behalf of Senator Scott and herself, Senator Bray introduced to the Senate, Dusty Taylor, Kim Fullerton and her son, Logan, and Pam and Rich Meyer, Hermitage; and Dusty and Logan were made honorary pages.

Senator Mayer introduced to the Senate, eighteen students from South Pemiscot Learning Experience Advanced Pupils, Steele; and Anna and Caleb Martin, Abbie Burnett and Dawn Leathers were made honorary pages.

Senator Mayer introduced to the Senate, Rachel Woolard, Miss Missouri Teen USA, her parents, Alisa and Gary Woolard, and her brother and sister, Matthew and Kathryn, Naylor.

Senator Wheeler introduced to the Senate, former State Senator Jack Gant, Independence.

Senator Purgason introduced to the Senate, Susie Johnson, Cathy and Johanna Humeniak, Jody Greenway, Linda Hale and Peggy Bull, Sunrise Beach; Jim and Barbara Jauert, Climax Springs; Ed Crawford, Anna Lippert, Jarrett Tyler and Gordon and Duey Buchanan, Camdenton; and Harold Hudson, Four Seasons; representatives of Camden County Republican Club.

Senator Taylor introduced to the Senate, Justin Stephan and thirty students from College of the Ozarks, Point Lookout.

Senator Koster introduced to the Senate, Rhonda Miller, Gina Moulton, Jeanette Bachmann, Cindy Johnson, Christine Bartholomew, Suzanne Taylor, Dawn Kirts, Deb Borg, Angie Basham, Paulette Underwood, Ruby Gaster, Joyce Petrek, Jennifer Justice, Allison Long and Carol Matson, wives of Whiteman Air Force Base military personnel; and Cindy Gabel, Denise Markworth, Jeanne Page, Marie Robison, Marion Ulrich, Nancy Kenep, Rachel Carey, Sandy Russell, Tammy Long, Towanda Gelbach and Teresa Pearce, wives of Warrensburg Chamber of Commerce Military Affairs Council.

Senator Callahan introduced to the Senate, Norman Marvel, Blue Springs.

Senator Purgason introduced to the Senate, Brian and Veronica Busse, Camdenton; and Vonda Wallace, Laclede County.

On behalf of Senator Dougherty and himself, Senator Gibbons introduced to the Senate, Chris Goodson and

teachers, parents and forty-six fourth grade students from Forsyth School, St. Louis; and Ben and Emily Claytor and Anna Goodson were made honorary pages.

Senator Taylor introduced to the Senate, his daughter, Jamie; and David Bolton, Jennifer Johnson, Diana Cope, Casey Squires, Heather Coberley, Britney Howerton, Mitch Alcala, Kenan Couch, Carolyn Tucker, Brandy Bruton, Brandon Banks, Charlie Holder, Lindy Paul, Shelby Hollingsworth, Blake Westpheling, Tosha Holder, Billy Jack England, Kayla Coones, Tracy Cope, Jeff Blankenship and Phillip Cooper; representatives of Cassville High School-Future Farmers of America.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY-THURSDAY, APRIL 21, 2005

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SB 402-Gibbons

(In Fiscal Oversight)

SS for SCS for SB 144-Gross

(In Fiscal Oversight)

SCS for SB 481-Shields

(In Fiscal Oversight)

SS for SB 220-Dolan

(In Fiscal Oversight)

SS for SB 348-Clemens

SS for SB 196-Ridgeway and Stouffer

(In Fiscal Oversight)

SB 194-Engler

SS for SCS for SB 2-Loudon

(In Fiscal Oversight)

HOUSE BILLS ON THIRD READING

HCS for HB 365 (Crowell)

HCS for HB 347, with SCS (Dolan)

HCS for HB 441, with SCS (Cauthorn)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS

SB 5-Klindt, with SCS & SS for SCS

(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SBs 37, 322, 78, 351 & 424-Nodler, with
SCS

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS

SB 159-Cauthorn

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1

to SA 1 (pending)

SB 199-Gross

SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott

SB 253-Koster, with SCS

SB 284-Cauthorn and Clemens, with SCS

SB 291-Mayer, et al, with SCS & SS for
SCS (pending)

SB 321-Shields

SB 324-Scott, with SCS

SB 339-Gross, with SCS

SBs 365 & 204-Mayer, et al, with SCS
(pending)

SB 373-Bartle

SB 376-Loudon

SB 434-Cauthorn

SB 470-Engler

SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)

HB 678-Byrd, with SCS (Bartle)

HB 402-Schaaf, et al (Shields)

HB 280-Walsh, et al (Green)

HB 524-May, et al (Scott)

HB 248-Pearce (Dolan)

HB 342-Baker (123) (Koster)

HB 600-Cooper (155), et al (Clemens)

HCS for HB 379 (Crowell)

HB 40-Tilley (Engler)

HCS for HB 47, with SCS (Shields)

HB 127-Bivins (Griesheimer)

HCS for HB 215 (Koster)

HB 260-Deeken (Vogel)

HB 345-Baker (123) (Koster)

HB 395-Wood (Taylor)

HCS for HB 422 (Crowell)

HB 431-Wright (137) (Champion)

HB 445-Guest and Whorton (Klindt)

HCS for HB 448 (Coleman)

HB 453-May, et al (Crowell)

HB 479-Ervin (Ridgeway)

HCS for HB 515, with SCS (Taylor)

HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)

HCS for HB 631 (Gibbons)

HB 638-Cunningham (86), with SCS
(Wheeler)

HB 685-Franz, with SCS (Purgason)

HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)

HB 688-Byrd, et al, with SCS (Bartle)

HCS for HB 630 (Purgason)

HB 567-Stevenson, et al (Crowell)

HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47)
(Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott
SCR 12-Koster

SCR 7-Loudon
SCR 13-Griesheimer

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY— THURSDAY, APRIL 21, 2005

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“So acknowledge today and take to heart that the Lord is God in heaven above and on the earth beneath; there is no other.” (Deuteronomy 4:39)

Heavenly Father, may we remember and live our lives knowing that during the most difficult times, You are our God. May we return to our families after our work is done for this week and share the joy, peace, love and abundance that comes to us from You, confident in Your omnipotent presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

Absent—Senators—None

Absent with leave—Senator
Kennedy—1

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1154

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2005 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability, the Missouri Planning Council for Developmental Disabilities, and the Independent Living Resource Center of Jefferson City, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, hereby grant the 2005 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 26, 2005, from 1:30 p.m. to 3:30 p.m. for the purpose of holding a mock legislative session.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1154** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1154** was adopted.

Senator Stouffer offered Senate Resolution No. 1155, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Lammers, Boonville, which was adopted.

Senator Crowell offered Senate Resolution No. 1156, regarding the Ninety-ninth Birthday of Paula Kempe, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1157, regarding Company C of the 1140th Engineering Battalion, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1158, regarding the Veterans Park Committee, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1159, regarding Walter Bizzell, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1160, regarding Beth Butcher, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1161, regarding Ken Williams, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1162, regarding Troop E Division of Drug and Crime Control, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1163, regarding Mike Conway, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1164, regarding Sabona of London, Incorporated, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 1165, regarding Chester Kordahl, Sikeston, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate

do give its advice and consent to the following:

Sandra K. Branson, as Director of the Division of Credit Unions;

Also,

Toni R. Smith, D.O., as a member of the State Board of Registration for the Healing Arts;

Also,

James A. Divincen, as a member of the Tourism Commission;

Also,

Celeste T. Witzel, as a member of the State Lottery Commission;

Also,

John G. Kennon, as a member of the Missouri Training and Employment Council;

Also,

Peggy D. Loman, as a member of the Advisory Committee for 911 Service Oversight.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 108**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 388**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 174**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 186**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 592**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 135**, begs leave to report that it has considered the same and recommends that the Senate

Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 48**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS for HB 58**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 393**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 596**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 564**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 487**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 437**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 334**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SJR 19**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS for HB 606**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS for SCS for SB 2**; **SS for SCS for SB 144**; **SCS for SB 196**; **SS for SB 220**; and **SCS for SB 481**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Koster assumed the Chair.

President Kinder assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 55**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 55

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

Was taken up.

Senator Klindt moved that **SCS** for **SB 55** be adopted.

Senator Klindt offered **SS** for **SCS** for **SB 55**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 55

An Act to amend chapters 374 and 375, RSMo, by adding thereto eight new sections relating to the disclosure of certain insurance-related documents.

Senator Koster assumed the Chair.

Senator Klindt moved that **SS** for **SCS** for **SB 55** be adopted.

Senator Scott assumed the Chair.

At the request of Senator Klindt, **SB 55**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Nodler moved that **SB 37**, **SB 322**, **SB 78**, **SB 351** and **SB 424**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 37, 322, 78, 351** and **424**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 37, 322, 78, 351 and 424

An Act to repeal repeal sections 311.310, 311.325, 565.024, 568.050, and 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof seven new sections relating to alcohol related offenses, with penalty provisions.

Was taken up.

Senator Nodler moved that **SCS** for **SBs 37, 322, 78, 351** and **424** be adopted.

Senator Nodler offered **SS** for **SCS** for **SBs 37, 322, 78, 351** and **424**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 37, 322, 78, 351 and 424

An Act to repeal sections 311.310, 311.325, 565.024, 568.050, and 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 and 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 and 38, ninety-first general assembly, first regular session, and to enact in lieu thereof six new sections relating to alcohol related offenses, with penalty provisions.

Senator Nodler moved that **SS** for **SCS** for **SBs 37, 322, 78, 351** and **424** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 37, 322, 78, 351 and 424, Page 20, Section 577.023, Line 1, by inserting after the word “prior” the following: “**offender**,”; and further amend said line by inserting an opening bracket “[” before the word “or”; and further amend said line by inserting a closing bracket “]” after the word “or”; and further amend said line by inserting after the word “offender” the following: “, **aggravated offender, or chronic offender**”.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Nodler, **SB 37**, **SB 322**, **SB 78**, **SB 351** and **SB 424**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 144** was placed on the Informal Calendar.

SCS for **SB 481**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 481An Act to repeal sections 162.675, 162.725, 162.735, and 162.740, RSMo, and to enact in lieu thereof three new sections relating to special education services.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS** for **SB 481** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators

Kennedy	Wheeler—2
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Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 144**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 144

An Act to repeal sections 478.570 and 478.600, RSMo, and to enact in lieu thereof two new sections relating to judicial circuits.

Was called from the Informal Calendar and taken up.

On motion of Senator Gross, **SS** for **SCS** for **SB 144** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senators

Kennedy Wheeler—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 220** was placed on the Informal Calendar.

SS for **SB 348** was placed on the Informal Calendar.

SCS for **SB 196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 196An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

Was taken up by Senator Ridgeway.

On motion of Senator Ridgeway, **SCS** for **SB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Klindt Purgason—2

Absent with leave—Senators

Kennedy Wheeler—2

Vacancies—None

The President declared the bill passed.
On motion of Senator Ridgeway, title to the bill was agreed to.
Senator Ridgeway moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

SB 194, introduced by Senator Engler, entitled:

An Act to repeal section 595.209, RSMo, and to enact in lieu thereof one new section relating to rights of crime victims.

Was taken up.

On motion of Senator Engler, **SB 194** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Kennedy

Wheeler—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 37, SB 322, SB 78, SB 351 and SB 424**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 37, 322, 78, 351 and 424**, as amended, was again taken up.

Senator Koster offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 37, 322, 78, 351 and 424, Page 15, Section 565.024, Line 12, by inserting an opening bracket “[” before the capital letter “C”; and further amend said line by inserting a closing bracket “]” after the capital letter “C”; and further amend said line by inserting a capital letter “**B**” after the capital letter “C”; and

Further amend lines 24-25 by striking all of said lines and inserting in lieu thereof the following: “**blood alcohol content of at least eighteen-hundredths but less than twenty-four-hundredths of one percent by weight of alcohol in such person’s blood; or**

(4) Causes the death of any person while he or she has a blood alcohol content of at least twenty-four-hundredths of one percent by weight of alcohol in such person’s blood.”; and further amend lines 26-27 by striking all of said lines and inserting in lieu thereof the following:

“4. Involuntary manslaughter in the first degree under subdivisions (1), (2), or (3) of subsection 3 of this section is a class B felony. Involuntary manslaughter in the first degree under subdivision (4) of subsection 3 of this section is a class A felony. For any violation of subsection 3 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent of his or her sentence.”

Senator Koster moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SS for **SB 220**, introduced by Senator Dolan, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 220An Act to repeal sections 105.711, 105.726, 537.600, and 537.610, RSMo, and to enact in lieu thereof five new sections relating to civil liability of state agencies, public entities, and the employees thereof, with an emergency clause for certain sections.

Was called from the Informal Calendar and taken up.

Senator Wilson requested to be excused from voting under the provisions of **SR 91**, which request was granted.
On motion of Senator Dolan, **SS** for **SB 220** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler—30		

NAYS—Senators—None

Absent—Senators

Crowell	Taylor—2
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Absent with leave—Senator
Kennedy—1

Excused from voting—Senator
Wilson—1

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler—30		

NAYS—Senator Green—1

Absent—Senator Crowell—1

Absent with leave—Senator
Kennedy—1

Excused from voting—Senator
Wilson—1

Vacancies—None

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SB 348**, introduced by Senator Clemens, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 348

An Act to repeal section 324.484, RSMo, and to enact in lieu thereof one new section relating to exemption of dentists from acupuncture licensing requirements.

Was called from the Informal Calendar and taken up.

On motion of Senator Clemens, **SS** for **SB 348** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator
Kennedy—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 2**, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2

An Act to repeal sections 188.010, 188.015, 188.025, 188.052, 188.055, 188.070, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof eighteen new sections relating to abortion and alternatives to abortion services, with penalty provisions.

Was taken up.

On motion of Senator Loudon, **SS** for **SCS** for **SB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Dougherty	Engler	Gibbons
Green	Griesheimer	Gross	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

NAYS—Senators

Bray	Coleman	Days	Graham
Wheeler	Wilson—6		

Absent—Senator Klindt—1

Absent with leave—Senator
Kennedy—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 209**, entitled:

An Act to amend chapters 71 and 92, RSMo, by adding thereto nine new sections relating to assessment and collection of various taxes on telecommunications companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 320**, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of district corporate organization.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 440**, entitled:

An Act to repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.055, 174.450, 174.453, 174.610, 174.620, 174.621, RSMo, and sections 174.450 and 174.453 as truly agreed to and finally passed by the ninety-third general assembly, first regular session, in senate substitute for senate committee substitute for senate bill no. 98, and to enact in lieu thereof eleven new sections relating to the governing boards of certain state higher education institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 525**, entitled:

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof eighteen new sections relating to ethics, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 530**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to American Sign Language.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 286**, entitled:

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the emancipation day commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 417**, entitled:

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 617**, entitled:

An Act to repeal sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031, and 701.038, RSMo, and to enact in lieu thereof four new sections relating to watershed districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 827**, entitled:

An Act to repeal section 208.146, RSMo, and to enact in lieu thereof one new section relating to continuation of medical assistance for employed disabled persons.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 49 and 50**, entitled:

An Act to repeal sections 558.016 and 595.209, RSMo, and to enact in lieu thereof two new sections relating to early release of offenders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 36**, entitled:

An Act to repeal section 334.010, RSMo, and to enact in lieu thereof two new sections relating to rights of pregnant women.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS No. 2 for HB 568**, entitled:

An Act to repeal sections 210.117, 211.037, 211.038, 211.447, 452.375, and 452.400, RSMo, and to enact in lieu thereof six new sections relating to protection of children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 205**, entitled:

An Act to repeal sections 454.530 and 454.536, RSMo, and to enact in lieu thereof two new sections relating to child support payments and records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 576**, entitled:

An Act to repeal sections 536.010, 536.050, 536.100, 536.140, 536.300, 536.305, and 536.310, RSMo, and to enact in lieu thereof eleven new sections relating to small business.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 353**, entitled:

An Act to repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017, 195.214, 211.031, 217.105, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147, 540.031, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 566.140, 568.045, 568.050, 569.040, 569.050, 569.080, 569.090, 570.030, 570.040, 570.080, 570.255, 570.300, 575.150, 576.050, 577.023, 577.041, 577.500, 589.417, and 595.209, RSMo, and to enact in lieu thereof sixty-five new sections relating to crime, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 542**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 863**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to tax incentives for economic development.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1166, regarding Corrections Officer II Brian Patton, Summersville, which was adopted.

Senator Green offered Senate Resolution No. 1167, regarding Sue Panetti-Lee, Florissant, which was adopted.

Senator Green offered Senate Resolution No. 1168, regarding the late Trooper Ralph C. Tatoian, which was adopted.

Senator Dolan offered Senate Resolution No. 1169, regarding Dr. John R. Lawrence, which was adopted.

Senator Koster offered Senate Resolution No. 1170, regarding Bobby R. Patton, Ph.D., Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Jim and Kim Head, Lynee Miller, Carolyn Thurman, Michelle Hinshaw, Trisha Jones and fourth grade students from Tri-County Christian School, Macon.

Senator Shields introduced to the Senate, Dan Danford, St. Joseph.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gregory Branham, M.D., Frontenac.

Senator Nodler introduced to the Senate, representatives of Leadership Joplin.

Senator Griesheimer introduced to the Senate, parents and thirty-three fifth and sixth grade students from Holy Rosary Catholic School, Warrenton.

Senator Coleman introduced to the Senate, Paula Cassani, St. Louis.

Senator Engler introduced to the Senate, Lisa Jaschke, Tracy McCart, Kathleen LyDay, parents and fourth grade students from Grandview Elementary School.

Senator Bray introduced to the Senate, Larry Christianson and thirty-two fourth grade students from Mark Twain Elementary School, Brentwood.

Senator Koster introduced to the Senate, students from Ballard School, Bates County.

Senator Engler introduced to the Senate, Denise Thompson, Beverly Weathers, chaperones and seventy eighth grade students from East Carter County R-II, Ellsinore.

Senator Crowell introduced to the Senate, students from St. Augustine School, Kelso.

Senator Days introduced to the Senate, Amy Finkelstein, Cindy Murray, Molly Welsh and fourth grade students from Marvin Elementary School, St. Louis; and Devin Beach was made an honorary page.

Senator Wilson introduced to the Senate, Jermaine Reed, Columbia.

Senator Griesheimer introduced to the Senate, parents and eighth grade students from St. Bridgets Catholic School, Pacific.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, April 25, 2005.

SENATE CALENDAR

FIFTY-EIGHTH DAY—MONDAY, APRIL 25, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 209
HB 320-Muschany, et al
HCS for HB 440
HCS for HB 525
HB 530-Moore, et al
HCS for HB 286
HB 417-Yates, et al
HB 617-Kelly (144), et al

HCS for HB 827
HCS for HBs 49 & 50
HCS for HB 36
HCS#2 for HB 568
HB 205-Salva
HCS for HB 576
HCS for HB 353
HCS for HB 863

THIRD READING OF SENATE BILLS

SS for SB 402-Gibbons
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 393-Stouffer, with SCS
SJR 19-Ridgeway

SB 542-Callahan

HOUSE BILLS ON THIRD READING

1. HCS for HB 365 (Crowell)
2. HCS for HB 347, with SCS (Dolan)
3. HCS for HB 441, with SCS (Cauthorn)
4. HCS for HB 108
5. HCS for HB 388
6. HCS for HB 468, with SCS (Scott)
7. HCS for HB 174 (Taylor)
8. HCS for HB 186 (Scott), with SCS
9. HB 592-Cooper (120)
10. HCS for HB 135, with SCS (Shields)

11. HB 48-Dougherty, with SCS (Callahan)
12. HCS for HB 58, with SCS (Griesheimer)
13. HB 596-Schaaf
14. HB 564-Boykins, et al
15. HB 487-Bruns and Deeken, with SCS
(Vogel)
16. HCS for HB 437, with SCS
17. HCS for HB 334 (Crowell)
18. HCS for HB 606 (Kennedy)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS
SB 5-Klindt, with SCS & SS for SCS

(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens

SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens,
with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)

SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HB 707-Cunningham (145) and Byrd, with
SCS (Scott)

HB 678-Byrd, with SCS (Bartle)

HB 402-Schaaf, et al (Shields)

HB 280-Walsh, et al (Green)

HB 524-May, et al (Scott)

HB 248-Pearce (Dolan)

HB 342-Baker (123) (Koster)

HB 600-Cooper (155), et al (Clemens)

HCS for HB 379 (Crowell)

HB 40-Tilley (Engler)

HCS for HB 47, with SCS (Shields)

HB 127-Bivins (Griesheimer)

HCS for HB 215 (Koster)

HB 260-Deeken (Vogel)

HB 345-Baker (123) (Koster)

HB 395-Wood (Taylor)

HCS for HB 422 (Crowell)

HB 431-Wright (137) (Champion)

HB 445-Guest and Whorton (Klindt)

HCS for HB 448 (Coleman)

HB 453-May, et al (Crowell)

HB 479-Ervin (Ridgeway)

HCS for HB 515, with SCS (Taylor)

HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)

HCS for HB 631 (Gibbons)

HB 638-Cunningham (86), with SCS
(Wheeler)

HB 685-Franz, with SCS (Purgason)

HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)

HB 688-Byrd, et al, with SCS (Bartle)

HCS for HB 630 (Purgason)

HB 567-Stevenson, et al (Crowell)

HB 486-Bruns (Vogel)

HCS for HB 362, with SCS (Bartle)

HB 456-Kuessner, et al, with SCS (Engler)

HB 450-Meiners, with SCS (Griesheimer)

HB 43-Wallace (Taylor)

HB 53-Swinger and Bean, with SCS (Mayer)

HB 155-Ruestman (Taylor)

HB 243-May, et al (Dolan)

HB 423-Kuessner, with SCS (Engler)
HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)

HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)

HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott

SCR 12-Koster

SCR 7-Loudon

SCR 13-Griesheimer

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY— MONDAY, APRIL 25, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Walk with wisdom toward them that are without,...Let your speech be always with grace.” (Colossians 4:5-6)

Gracious God, as we begin a new week help us to be mindful to always use our heads as we deal with one another. Help our conversations and behavior be always pleasant, gracious and winsome filled with kindness and even handed. And, may our decisions always be helpful and effective as we vote on bills presented to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 21, 2005 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1171, regarding Steven M. Geary, Holts Summit, which was adopted.

Senator Champion offered Senate Resolution No. 1172, regarding Rebecca Ansley, Springfield, which was adopted.

Senators Stouffer and Bartle offered Senate Resolution No. 1173, regarding Gary F. Baker, Oak Grove, which was adopted.

Senator Stouffer offered Senate Resolution No. 1174, regarding Nathaniel Thomas White, which was adopted.

Senator Mayer offered Senate Resolution No. 1175, regarding Corrections Officer I Travis Burchard, Greenville, which was adopted.

Senator Nodler offered Senate Resolution No. 1176, regarding K & S Wire Products, Inc., Neosho, which was adopted.

Senator Gibbons offered Senate Resolution No. 1177, regarding Devin Wayne Penn, Manchester, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1178, regarding Gregory Michael Brown, Eureka, which was adopted.

Senator Engler offered Senate Resolution No. 1179, regarding Corrections Officer I Lance Jones, Cadet, which was adopted.

Senator Engler offered Senate Resolution No. 1180, regarding Corrections Officer I Benjamin Cosgrove, Bismarck, which was adopted.

Senator Klindt offered Senate Resolution No. 1181, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vincent Runnels, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 1182, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Tritten, which was adopted.

Senator Klindt offered Senate Resolution No. 1183, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dean Francis, Ravanna, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 498**, entitled:

An Act to repeal sections 569.080, 569.090, 570.030, 570.040 and 570.080, RSMo, and to enact in lieu thereof six new sections relating to stealing, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and passed **HCS** for **HB 640**, entitled:

An Act to repeal section 407.1135, RSMo, and to enact in lieu thereof six new sections relating to unsolicited commercial electronic mail, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 866**, entitled:

An Act to repeal sections 375.146 and 375.991, RSMo, and to enact in lieu thereof three new sections relating to insurance fraud, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 116**, entitled:

An Act to amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service dogs, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 196**, entitled:

An Act to repeal section 556.036, 569.040, and 569.050, RSMo, and to enact in lieu thereof three new sections relating to the statute of limitation for certain crimes, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 832**, entitled:

An Act to amend chapter 213, RSMo, by adding thereto one new section relating to restrictive covenants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 824**, entitled:

An Act to repeal sections 444.765, 621.015, and 643.079, RSMo, and to enact in lieu thereof six new sections relating to environmental regulation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 402**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gross, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SS for **SB 402**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 402

An Act to repeal sections 302.178, 311.310, 311.325, 570.223, and 577.500, RSMo, and to enact in lieu thereof eight new sections relating to substance abuse, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS** for **SB 402** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Loudon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 707, with **SCS**, introduced by Representatives Cunningham (145) and Byrd, entitled:

An Act to repeal sections 361.070, 361.080, 361.262, 361.365, 362.042, 362.107, 362.170, 362.210, 362.213, 362.215, 362.217, 362.225, 362.300, 362.305, 362.310, 362.315, 362.520, and 362.600, RSMo, and to enact in lieu thereof twelve new sections relating to banking, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 707**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 707An Act to repeal sections 361.060, 361.070, 361.080, 361.262, 361.365, 362.042, 362.107, 362.170, 362.210, 362.213, 362.215, 362.217, 362.225, 362.300, 362.305, 362.310, 362.315, 362.520, and 362.600,

RSMo, and to enact in lieu thereof thirteen new sections relating to banking, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HB 707** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 707** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Loudon—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 678, with **SCS**, introduced by Representative Byrd, entitled:

An Act to repeal sections 351.107, 351.180, 351.182, 351.295, 351.405, and 409.2-202, RSMo, and to enact in lieu thereof six new sections relating to corporations.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 678**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 678An Act to repeal sections 351.107, 351.180, 351.182, 351.295, and 409.2-202, RSMo, and to enact in lieu thereof five new sections relating to corporations.

Was taken up.

Senator Bartle moved that **SCS** for **HB 678** be adopted.

Senator Bartle requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 678, Page 4, Section 351.180, Line 86, by striking “uncertified” and inserting in lieu thereof “**uncertificated**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SCS** for **HB 678**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 678**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 402, introduced by Representative Schaaf, et al, entitled:

An Act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 402** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 280, introduced by Representative Walsh, et al, entitled:

An Act to repeal section 115.436, RSMo, and to enact in lieu thereof one new section relating to physically disabled voters.

Was called from the Consent Calendar and taken up by Senator Green.

On motion of Senator Green, **HB 280** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Green, title to the bill was agreed to.
Senator Green moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 524, introduced by Representative May, et al, entitled:
An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist duties.
Was called from the Consent Calendar and taken up by Senator Scott.
On motion of Senator Scott, **HB 524** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 248, introduced by Representative Pearce, entitled:

An Act to repeal section 365.130, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle time sales law.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HB 248** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 342, introduced by Representative Baker (123), entitled:

An Act to repeal section 115.019, RSMo, and to enact in lieu thereof one new section relating to board of election commissioners.

Was called from the Consent Calendar and taken up by Senator Koster.

On motion of Senator Koster, **HB 342** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 600, introduced by Representative Cooper (155), et al, entitled:

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to licensing requirements for professional counselors.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HB 600** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Clemens, title to the bill was agreed to.
Senator Clemens moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 379, entitled:

An Act to repeal sections 36.031, 361.170, and 370.107, RSMo, and to enact in lieu thereof three new sections relating to compensation for financial institution regulators.

Was called from the Consent Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **HCS for HB 379** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 40, introduced by Representative Tilley, entitled:

An Act to repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to industrial development corporations, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Engler.

On motion of Senator Engler, **HB 40** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

Senator Crowell assumed the Chair.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 47**, with **SCS**, entitled:

An Act to repeal section 182.640, RSMo, and to enact in lieu thereof one new section relating to consolidated public library districts, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Shields.

SCS for **HCS** for **HB 47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 47

An Act to repeal section 182.640, RSMo, and to enact in lieu thereof one new section relating to consolidated public library districts, with an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **HCS** for **HB 47** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **HCS** for **HB 47** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 127, introduced by Representative Bivins, et al, entitled:

An Act to repeal sections 321.190 and 321.603, RSMo, and to enact in lieu thereof two new sections relating to fire protection district board attendance fees.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HB 127** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 215, entitled:

An Act to repeal section 67.1350, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

Was called from the Consent Calendar and taken up by Senator Koster.

On motion of Senator Koster, **HCS for HB 215** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 260, introduced by Representative Deeken, entitled:

An Act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HB 260** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green

Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 345, introduced by Representative Baker (123), entitled:

An Act to repeal section 64.215, RSMo, and to enact in lieu thereof one new section relating to county planning boards.

Was called from the Consent Calendar and taken up by Senator Koster.

On motion of Senator Koster, **HB 345** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 395, introduced by Representative Wood, entitled:

An Act to repeal section 247.085, RSMo, and to enact in lieu thereof one new section relating to water supply districts.

Was called from the Consent Calendar and taken up by Senator Taylor.

On motion of Senator Taylor, **HB 395** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 431, introduced by Representative Wright (137), entitled:

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to economic stimulus.

Was called from the Consent Calendar and taken up by Senator Champion.

On motion of Senator Champion, **HB 431** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Vogel

Wheeler—30

NAYS—Senators

Bray

Dougherty

Green

Wilson—4

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 448**, entitled:

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to pay for police officers, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Coleman.

Under the provisions of **SR 91**, Senator Wilson was excused from voting.

On motion of Senator Coleman, **HCS** for **HB 448** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—

None

Excused from voting—Senator
Wilson—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Excused from voting—Senator
Wilson—1

Vacancies—None

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 209—Economic Development, Tourism and Local Government.

HB 320—Education.

HCS for HB 440—Education.

HCS for HB 525—Financial and Governmental Organizations and Elections.

HB 530—Education.

HCS for HB 286—Pensions, Veterans' Affairs and General Laws.

HB 417—Small Business, Insurance and Industrial Relations.

HB 617—Agriculture, Conservation, Parks and Natural Resources.

HCS for HB 827—Pensions, Veterans' Affairs and General Laws.

HCS for HBs 49 and 50—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 36—Pensions, Veterans' Affairs and General Laws.

HCS No. 2 for HB 568—Judiciary and Civil and Criminal Jurisprudence.

HB 205—Aging, Families, Mental and Public Health.

HCS for HB 576—Small Business, Insurance and Industrial Relations.

HCS for HB 353—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 863—Economic Development, Tourism and Local Government.

REFERRALS

President Pro Tem Gibbons referred **HCS for HB 468**, with **SCS**; and **SS for SCS for SBs 37, 322, 78, 351 and 424** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1184, regarding DiDi Starrett, which was adopted.

Senator Crowell offered Senate Resolution No. 1185, regarding Blake Kidd, which was adopted.

Senator Crowell offered Senate Resolution No. 1186, regarding Yale Garber, which was adopted.

Senator Crowell offered Senate Resolution No. 1187, regarding Prithvi Rudrappa, which was adopted.

Senator Crowell offered Senate Resolution No. 1188, regarding Jimmy Chisholm, which was adopted.

Senator Crowell offered Senate Resolution No. 1189, regarding Cory Chisholm, which was adopted.

Senator Vogel offered Senate Resolution No. 1190, regarding Clark Hunter, Versailles, which was adopted.

Senator Callahan offered Senate Resolution No. 1191, regarding Anthony Roland "Tony" Woolsey, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate,

Dane Fuhrman and his mother, Lisa Fuhrman, Moberly.

Senator Wheeler introduced to the Senate, Michael Bay, Vic Allred, Bob Sullivan, John Lane and Brina Bruno, Kansas City.

Senator Kennedy introduced to the Senate, Forrest Miller, St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-NINTH DAY—TUESDAY, APRIL 26, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 498
HCS for HB 640
HCS for HB 866
HB 116-Deeken, et al

HB 196-Wildberger, et al
HB 832-Brook, et al
HCS for HB 824

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 &
424-Nodler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 393-Stouffer, with SCS
SJR 19-Ridgeway

SB 542-Callahan

HOUSE BILLS ON THIRD READING

1. HCS for HB 365 (Crowell)
2. HCS for HB 347, with SCS (Dolan)
3. HCS for HB 441, with SCS (Cauthorn)
4. HCS for HB 108 (Shields)
5. HCS for HB 388 (Loudon)
6. HCS for HB 468, with SCS (Scott)

(In Fiscal Oversight)
7. HCS for HB 174 (Taylor)
8. HCS for HB 186, with SCS (Scott)
9. HB 592-Cooper (120) (Dolan)
10. HCS for HB 135, with SCS (Shields)
11. HB 48-Dougherty, with SCS (Callahan)
12. HCS for HB 58, with SCS (Griesheimer)
13. HB 596-Schaaf (Shields)
14. HB 564-Boykins, et al (Coleman)
15. HB 487-Bruns and Deeken, with SCS
(Vogel)

16. HCS for HB 437, with SCS (Crowell)
17. HCS for HB 334 (Crowell)
18. HCS for HB 606 (Kennedy)
19. HB 1-Lager, with SCS (Gross)
20. HCS for HB 2, with SCS (Gross)
21. HCS for HB 3, with SCS (Gross)
22. HCS for HB 4, with SCS (Gross)
23. HCS for HB 5, with SCS (Gross)
24. HCS for HB 6, with SCS (Gross)
25. HCS for HB 7, with SCS (Gross)
26. HCS for HB 8, with SCS (Gross)
27. HCS for HB 9, with SCS (Gross)
28. HCS for HB 10, with SCS (Gross)
29. HCS for HB 11, with SCS (Gross)
30. HB 12-Lager, with SCS (Gross)
31. HB 13-Lager, with SCS (Gross)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS
SB 5-Klindt, with SCS & SS for SCS
(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross

SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 434-Cauthorn

SB 470-Engler
SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HCS for HB 422 (Crowell)
HB 445-Guest and Whorton (Klindt)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS (Bartle)
HCS for HB 630 (Purgason)

HB 567-Stevenson, et al (Crowell)
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS (Nodler)
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)

HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott
SCR 12-Koster

SCR 7-Loudon
SCR 13-Griesheimer
SCR 15-Gibbons

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Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY— TUESDAY, APRIL 26, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let anyone with ears to hear listen!” (Luke 8:18)

Heavenly Father, we are aware of the noise that fills the halls with people wanting us to hear them, we hear the sounds of presentations made in our committees that want to communicate their point of view and we hear the conversations of debate that fills this chamber daily. Help us amid all the sounds to be able to listen closely to one another so that important issues and facts that we need are not missed and our decisions are based on solid listening. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KRCG-TV, KMIZ-TV, and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Days offered Senate Resolution No. 1192, regarding Glenn Louis Tope, Village of Bel-Ridge, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1193

WHEREAS, autism is a complex developmental disability that continues to soar at an alarming rate; and

WHEREAS, it is estimated that more than 1.5 million Americans live with some sort of autism, including more than 100,000 children served under the Individual Disability Education Act; and

WHEREAS, the Missouri Department of Elementary and Secondary Education recently identified 2,801 children between the ages of 3 and 21 as autistic, which represents an increase of 850 percent from 294 children in 1991; and

WHEREAS, the actual number of autistic children in Missouri is unknown because some children diagnosed by medical authorities as autistic are not recognized as such by the Missouri Department of Elementary and Secondary Education, the only government-sanctioned census of autistic children in the state; and

WHEREAS, the frequency of autism spectrum disorders now surpasses that of all types of cancer combined and yet so little is known about the actual cause of the disorder; and

WHEREAS, autism knows no racial, ethnic, social, economic, or educational boundaries; and

WHEREAS, April is National Autism Awareness Month:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, hereby designate the 27th day of April, 2005, as "Autism Awareness Day" and the month of April as "Autism Awareness Month" in the State of Missouri.

Senator Stouffer offered Senate Resolution No. 1194, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Myron Werle, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1195, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Hepworth, which was adopted.

Senator Stouffer offered Senate Resolution No. 1196, regarding the birth of Jude Alexander and Tatem Elizabeth Petet, which was adopted.

Senator Stouffer offered Senate Resolution No. 1197, regarding the birth of Noah Anthony Himmelberg, Raytown, which was adopted.

Senator Stouffer offered Senate Resolution No. 1198, regarding the birth of Rylee D. Reed, which was adopted.

Senator Stouffer offered Senate Resolution No. 1199, regarding the birth of Tyson McKade Frederick, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1200, regarding the birth of Evyn Elizabeth Howell, Sedalia, which was adopted.

Senator Graham offered Senate Resolution No. 1201, regarding Carl Edwards, Mooresville, North Carolina, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1, with **SCS**, introduced by Representative Lager, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HB 1**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HB 1** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Graham Klindt—2

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education

and the Department of Elementary and Secondary Education, the several divisions and programs thereof, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the several divisions and programs thereof, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler—26		

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Wilson—8

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher

Education, the several divisions, programs, and institutions of higher education included therein, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 3** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 1, Section 3.005, Line 8, by inserting after said line the following:

“From Federal Funds and Other Funds (Not to exceed 6.08 F.T.E.). \$1E

Total \$695,134” and amend bill totals accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 9, Section 3.200, Line 2, by inserting after the word “programs” the following:

“provided that tuition and/or educational fees increase by no more than 1 percent for the 2006-2007 academic year”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Gross moved that **SCS** for **HCS** for **HB 3**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 3**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Green	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

NAYS—Senators

Barnitz	Bray	Callahan	Coleman
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Days	Dougherty	Graham	Griesheimer
Wheeler	Wilson—10		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Gross, title to the bill was agreed to.
Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 33, 45, 183 & 217 entitled:

AN ACT

To repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement, with an emergency clause.

On April 26, 2005, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 202, 33, 45, 183 & 217.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SECRETARY OF THE SENATE

93rd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Substitute for Senate Bill No. 539 entitled:

AN ACT

To repeal sections 178.661, 178.662, 178.664, 178.666, 178.669, 178.671, 178.673, 208.010, 208.146, 208.151, 208.152, 208.162, 208.215, 208.225, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568, 208.571, 208.640, 453.072, and 453.073, RSMo, and to enact in lieu thereof thirty new sections relating to health care and social services, with penalty provisions and a termination date for a certain section.

On April 26, 2005, I approved said Senate Substitute for Senate Bill No. 539.

Respectfully submitted,

MATT BLUNT

Governor **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 68**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 24**, entitled:

An Act to repeal section 488.426, RSMo, and section 488.429, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and to enact in lieu thereof one new section relating to limitations on the use of law library funds.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 71**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 100**, entitled:

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 21**, entitled:

An Act to repeal sections 192.016 and 453.020, RSMo, and to enact in lieu thereof two new sections relating to putative father registry.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 21, Page 3, Section 453.020, Line 13, by inserting after all of said line the following:

“453.121. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) “Adopted adult”, any adopted person who is [twenty-one] **eighteen** years of age or over;
- (2) “Adopted child”, any adopted person who is less than [twenty-one] **eighteen** years of age;
- (3) “Adult sibling”, any brother or sister of the whole or half blood who is [twenty-one] **eighteen** years of age or over;
- (4) “Identifying information”, information which includes the name, date of birth, place of birth and last known address of the biological parent;
- (5) “Nonidentifying information”, information concerning the physical description, nationality, religious background and medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may

be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians or adopted adult upon written request therefor.

4. An adopted adult may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. **If the biological parents have consented to the release of identifying information under subsection 11 of this section, the court shall disclose such identifying information to the adopted adult. If the biological parents have not consented to the release of identifying information under subsection 11 of this section,** the court shall, within ten days of receipt of the request, notify in writing the adoptive parents of such petitioner and the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult.

5. Within three months after receiving notice of the request of the adopted adult, the child-placing agency or juvenile court personnel shall notify the adoptive parents, if such adoptive parents are living and shall not make any attempt to notify the biological parents without prior written consent of such adoptive parents for adoptions instituted or completed prior to August 13, 1986, but may proceed if there is proof that the adoptive parents are deceased or incapacitated, as such term is defined in chapter 475, RSMo. If the adoptive parents are living but are unwilling to give such written consent, the child-placing agency or the juvenile court personnel shall make a written report to the court stating that they were unable to notify the biological parent. If the adoptive parents are deceased or give written consent, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall not be made by mail and shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060, RSMo. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;
- (3) The date of the request of the adopted adult;
- (4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;
- (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court, the court shall disclose the identifying information as to that biological parent to the adopted adult, provided that the other biological parent either:

- (1) Is unknown;
- (2) Is known but cannot be found and notified pursuant to section 5 of this act;
- (3) Is deceased; or
- (4) Has filed with the court an affidavit authorizing release of identifying information. If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying

information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. If the biological parent is deceased but previously had filed an affidavit with the court stating that identifying information shall be disclosed, the information shall be forwarded to and released by the court to the adopted adult. If the biological parent is deceased and, at any time prior to his death, the biological parent did not file an affidavit with the court stating that the identifying information shall be disclosed, the adopted adult may petition the court for an order releasing the identifying information. The court shall grant the petition upon a finding that disclosure of the information is necessary for health-related purposes.

9. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose identifying information concerning an adult sibling and upon a finding by the court that such information is necessary for urgent health-related purposes in the same manner as provided in this section. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

10. The central office of the **children's** division [of family services of] **within** the department of social services shall maintain a registry by which biological parents, **adult siblings**, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. [If] **At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and** the division believes that a match has occurred on the registry between [both] biological parents **or adult siblings** and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents **or adult siblings** and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent **or adult sibling** and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent **or adult sibling**. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, **adult sibling**, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

11. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 21, Page 1, Section A, Line 2, by inserting after all of said line the following:

“191.975. 1. This section shall be known and may be cited as the “Adoption Awareness Law”.

2. To raise public awareness and to educate the public, the department of social services, with the assistance of the department of health and senior services, shall be responsible for:

(1) Collecting and distributing resource materials to educate the public about foster care and adoption;

(2) Developing and distributing educational materials, including but not limited to videos, brochures and other media as part of a comprehensive public relations campaign about the positive option of adoption and foster care. The materials shall include, but not be limited to, information about:

(a) The benefits of adoption and foster care;

(b) Adoption and foster care procedures;

(c) Means of financing the cost of adoption and foster care, including but not limited to adoption subsidies, foster care payments and special needs adoption tax credits;

(d) Options for birth parents in choosing adoptive parents;

(e) Protection for and rights of birth parents and adoptive parents prior to and following the adoption;

(f) Location of adoption and foster care agencies;

(g) Information regarding various state health and social service programs for pregnant women and children, including but not limited to medical assistance programs and temporary assistance for needy families (TANF); and

(h) Referrals to appropriate counseling services, including but not be limited to counseling services for parents who are considering retaining custody of their children, placing their children for adoption, or becoming foster or adoptive parents; but excluding any referrals for abortion or to abortion facilities;

(3) Making such educational materials available through state and local public health clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015, RSMo, maternity homes as defined in section 135.600, RSMo, child-placing agencies licensed pursuant to sections 210.481 to 210.536, RSMo, attorneys whose practice involves private adoptions, in vitro fertilization clinics and private physicians for distribution to their patients who request such educational materials. Such materials shall also be available to the public through the department of social services' Internet web site; [and]

(4) Establishing a toll-free telephone number for information on adoption and foster care, **and to answer questions and assist persons inquiring about becoming adoptive or foster parents.**

3. In addition, the department may establish and implement an ongoing advertising campaign for the recruitment of adoptive and foster care families, with a special emphasis on the recruitment of qualified adoptive and foster care families for special needs children. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspaper, magazines and other print media, web sites, and the Internet. The department may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf of the department.

[3.] **4.** The provisions of this section shall be subject to appropriations.

[4.] **5.** The department of social services shall promulgate rules for the implementation of this section in accordance with chapter 536, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 270**, entitled:

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof fifteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO.1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270, Section 1, Page 21, Line 32, by deleting all of said line and inserting in lieu thereof the following, “**and other banking-related costs, shall not exceed fifteen basis points, or fifteen hundredths of one**”;

Further amend said section, Page 21, Line 37, by inserting after all of said line the following:

“5. The provisions of this section shall not be applicable to the state road fund created in section 226.220, RSMo, the motor fuel tax fund created in section 142.345, RSMo, the state highways and transportation department fund created in section 226.200, RSMo, the state transportation fund created in section 226.225, and the state road bond fund created pursuant to article IV, section 30(b), Constitution of Missouri.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS No. 2** for **SB 155**, entitled:

An Act to repeal section 210.152, RSMo, and to enact in lieu thereof one new section relating to reporting of child abuse and neglect.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155, Page 1, Section A., Line 2, by inserting after said language the following:

“210.117. **1.** No child taken into the custody of the state shall be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, when a child was the victim, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, when a child was the victim, or an offense committed in another state when a child is the victim, that would be a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, or a violation of section 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, or 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, if committed in Missouri; provided however, nothing in this section shall preclude the division from exercising its discretion regarding the placement of a child in a home in which the parent or any person residing in the home has been found guilty of or pled guilty or nolo contendere to any offense excepted or excluded in this section.

2. If a court of competent jurisdiction determines or the division determines, based on a substantiated report of child abuse that is upheld by the child abuse and neglect review board that a minor has abused another child, such minor shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.”; and

Further amend House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155, Page 3, Section 210.152, Line 63, by inserting after said language the following:

“210.710. **1.** In the case of a child who has been committed to the care of an authorized agency by a parent, guardian or relative and where such child has remained in the care of one or more authorized agencies for a continuous period of six months, the agency shall petition the juvenile court in the county where the child is present to review the status of the child. A written report on the status of the child shall be presented to the court. The court shall then review the status of the child and may hold a dispositional hearing thereon. The purpose of the dispositional hearing shall be to determine whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted to terminate parental right and legally free such child for adoption.

2. If the child is in the care of an authorized agency based on an allegation that the child has abused another child and the court determines that such abuse occurred, the court shall not return the child to or permit the child to reside in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.

210.720. **1.** In the case of a child who has been placed in the custody of the division of family services in accordance with subdivision (17) of subsection 1 of section 207.020, RSMo, or another authorized agency by a court or who has been placed in foster care by a court, every six months after the placement, the foster family, group home, agency, or child care institution with which the child is placed shall file with the court a written report on the status of the child. The court shall review the report and shall hold a permanency hearing within twelve months of initial placement and at least annually thereafter. The permanency hearing shall be for the purpose of determining in accordance with the best interests of the child a permanent plan for the placement of the child, including whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted by either the juvenile officer or the division to terminate parental rights and legally free such child for adoption.

2. In such permanency hearings the court shall consider all relevant factors including:

(1) The interaction and interrelationship of the child with the child's foster parents, parents, siblings, and any other person who may significantly affect the child's best interests;

(2) The child's adjustment to his or her foster home, school and community;

(3) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. **If the child is in the care of an authorized agency based on an allegation that the child has abused another child and the court determines that such abuse occurred, the court shall not return the child to or permit the child to reside in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings;** and

(4) The needs of the child for a continuing relationship with the child's parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child.

3. The judge shall make written findings of fact and conclusions of law in any order pertaining to the placement of the child.

211.038. **1.** No child under the jurisdiction of the juvenile court shall be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, when a child was the victim, or a violation of sections 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, when a child was the victim, or an offense committed in another state when a child is the victim, that would be a felony violation of chapter 566, RSMo, except for section 566.034, RSMo, or a violation of sections 568.020, 568.045, 568.060, 568.065, 568.070, 568.080, 568.090, and 568.175, RSMo, except for subdivision (1) of subsection 1 of section 568.060, RSMo, if committed in Missouri; provided however, nothing in this section shall preclude the juvenile court from exercising its discretion regarding the placement of a child in a home in which the parent or any person residing in the home has been found guilty of or pled guilty or nolo contendere to any offense excepted or excluded in this section.

2. If the juvenile court determines that a minor has abused another child, such minor shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

HOUSE BILLS ON THIRD READING

HCS for HB 4, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for HCS for HB 4, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 4An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 4** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS for HCS for HB 4** was read the 3rd time and passed by the following vote:

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—31	

NAYS—Senators

Wheeler Wilson—2

Absent—Senator Graham—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 5An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 5** be adopted.

Senator Barnitz offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.520, Line 4, by inserting immediately after the word “Fund”, the following: “however, no funds shall be transferred to provide health care coverage for State Senators or Representatives.” and further amend said Section, Line 5, by deleting the number “211,912,547E” and inserting in lieu thereof the number “211,106,423E” and further amend said Section; Line 6, by deleting the number “66,725,823E” and inserting in lieu thereof the number “66,469,329E” and further amend said Section; Line 7, by deleting the number “43,186,954E” and inserting in lieu thereof the number “43,028,172E” and further amend said Section, Line 8, by deleting the number “321,825,324” and inserting in lieu thereof the number “320,603,924” and further amend said Bill, Page 23, Section 5.530, Line 4, by inserting immediately after the word “Plan”, the following: “however, no funds shall be expended to provide health care coverage for State Senators or Representatives” and further amend said Section, Line 5, by deleting the number “\$322,119,324E” and inserting in lieu thereof the number “\$320,897,924E” and adjust bill totals accordingly.

Senator Barnitz moved that the above amendment be adopted.

Senator Griesheimer offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 5, Page 23, Section 5.520, Line 5, by deleting the number “211,912,547E” and inserting in lieu thereof the number “198,796,004E” and further amend said Section; Line 6, by deleting the number “66,725,823E” and inserting in lieu thereof the number “62,552,377E” and further amend said Section; Line 7, by deleting the number “43,186,954E” and inserting in lieu thereof the number “40,603,393E” and further amend said Section, Line 8, by deleting the number “321,825,324” and inserting in lieu thereof the number “301,951,774” and further amend said Bill, Page 23, Section 5.530, Line 5, by deleting the number “322,119,324E” and inserting in lieu thereof the number “302,245,774E” and adjust bill totals accordingly.

Senator Griesheimer moved that the above substitute amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator Crowell requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Dolan, Mayer, Nodler and Stouffer.

At the request of Senator Barnitz, **SA 1** was withdrawn.

Senator Gross moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators

Barnitz	Graham—2
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Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

President Kinder assumed the Chair.

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 6An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 6** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 6** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 7An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Page 8, Section 7.105, Line 7, by deleting the number “\$29,628” and inserting in lieu thereof the number “\$50,000”; and amend bill totals accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HCS** for **HB 7**, as amended, be adopted, which motion prevailed.

Senator Scott assumed the Chair.

On motion of Senator Gross, **SCS** for **HCS** for **HB 7**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter

Barnitz

Bartle

Bray

Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Graham—1

Absent—Senator Days—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 8** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 8, Page 10, Section 8.130, Line 12, by inserting immediately after the word “Fund” the following “or General Revenue Fund”.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HCS** for **HB 8**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 8**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 9An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—27	

NAYS—Senators

Barnitz	Coleman	Days	Graham
Wilson—5			

Absent—Senators

Dougherty	Wheeler—2
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 189**, entitled:

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to the health care provider tax, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 10** and **27**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 252**, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

With House Amendments 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 252, Section 41.1016, Page 4, Line 2 by deleting the words “**their primary or secondary**”, and;

Further amend said page, Line 3 by deleting the words “**age children**”, and;

Further amend said line by inserting immediately after the word “**their**” the word “**unemancipated**”, and;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 252, Section 41.1016, Page 4, Line 5 by inserting after all of said line the following:

“143.121. 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added pursuant to this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) The amount of any deduction that is included in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

(d) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by Section 172(b)(1)(G) and Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal income taxes but disallowed against Missouri income taxes pursuant to this paragraph since July 1, 2002, may be carried forward and taken against any loss on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the

taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in section 135.357, RSMo, that would otherwise be included in federal adjusted gross income;[and]

(g) The amount that would have been deducted in the computation of federal taxable income pursuant to Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually deducted pursuant to Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002; **and**

(h) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which armed forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411." , and;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 131**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 103** and **115**, entitled:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 133**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 149**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 156**.

Bill ordered enrolled.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 1202, regarding Dustin Buell, Liberty, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1203, regarding Bryan Edward Howard, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1204, regarding Matthew Wyatt Bond, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1205, regarding Kyle Ray Norwood, which was adopted.

Senator Vogel offered Senate Resolution No. 1206, regarding Jane Burd, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1207, regarding Terry A. Warrington, New Bloomfield, which was adopted.

Senator Crowell offered Senate Resolution No. 1208, regarding Scott Meyer, which was adopted.

Senator Crowell offered Senate Resolution No. 1209, regarding Lt. and Mrs. Craig Prost, which was adopted.

Senator Crowell offered Senate Resolution No. 1210, regarding Mr. and Mrs. Christopher Louis Hutson, which was adopted.

Senator Crowell offered Senate Resolution No. 1211, regarding Dr. Mack A. Wilson, which was adopted.

Senator Crowell offered Senate Resolution No. 1212, regarding Dr. Harry W. Pry, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1213, regarding the Gary and Debbie Doss family, Smithville, which was adopted.

Senator Engler offered Senate Resolution No. 1214, regarding Chris P. Wehner, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1215, regarding David A. Wehner, Ste. Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1216, regarding Christopher J. Mueller, Bloomsdale, which was adopted.

Senator Gibbons offered Senate Resolution No. 1217, regarding Andrew C. Dahle, Crestwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1218, regarding Adam Anthony Kasda, Fenton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, fourth grade students from St. Peters School, Marshall.

On behalf of Senator Dolan and himself, Senator Green introduced to the Senate, Erin Koebbe, Florissant; and Sherry Mudd, Lincoln County.

Senator Dolan introduced to the Senate, students from Wentzville Middle School.

Senator Gross introduced to the Senate, Monique Deuser, St. Charles.

Senator Green introduced to the Senate, teachers, parents and ninety fourth grade students from Keeven Elementary School, St. Louis; and Jada Hood and Intisar Faulkner were made honorary pages.

On behalf of Senator Scott, the President introduced to the Senate, students from Greenridge School District, Pettis County.

Senator Gibbons introduced to the Senate, fourth grade students from Valley Park School.

Senator Bray introduced to the Senate, Ms. Barrios, Ms. Bakeman, Ms. Purley and seventy-five fifth grade students from Jackson Park Elementary School, University City.

On behalf of Senator Scott, the President introduced to the Senate, former State Senator Steve Ehlmann and former State Representative Joe Ortwerth, St. Charles.

Senator Purgason introduced to the Senate, Susan Rogers and eighth grade students from Junction Hill School.

Senator Ridgeway introduced to the Senate, Dyana Kubiak and fourth grade students from Schumacher Elementary School, Liberty; and Kyle Kubiak, Logan Schutte and Chris Sherman were made honorary pages.

Senator Crowell introduced to the Senate, students from Immaculate Conception School, Jackson.

Senator Wheeler introduced to the Senate, Doug Hooten and Jason White, Kansas City.

Senator Clemens introduced to the Senate, eighth grade students from Niangua Middle School.

Senator Kennedy introduced to the Senate, his sister, Maureen, Independence.

Senator Stouffer introduced to the Senate, fourth grade students from Hale R-I Elementary School.

On behalf of Senator Koster, the President introduced to the Senate, Lydia Orso, Megan Layton, Paula Mass, Bridget Kinney, Emily Noll, Sarah Geer, Stephanie Schechter, Suzie Victory and Nathan Greenbaum, representatives for Self-Advocates for Independent Living from around the state; who were made honorary pages.

Senator Dougherty introduced to the Senate, students from Nottingham School, St. Louis.

Senator Stouffer introduced to the Senate, students from R-IV Macon County School, New Cambria.

Senator Callahan introduced to the Senate, Cassidy White, Logan Baker, Caleb Basile and Taylor Livingston, fourth grade students from Kansas City.

Senator Gibbons introduced to the Senate, eighty-six fourth grade students from Tillman Elementary School, Kirkwood; and Matthew Norman, Madeline Keel, Taylor Stewart and Rudy Rivera were made honorary pages.

Senator Clemens introduced to the Senate, sixth, seventh and eighth grade students from Skyline R-II Elementary School.

Senator Bartle introduced to the Senate, fourth grade students from Highland Park, Lee's Summit.

On motion of Senator Shields, the Senate adjourned until 9:30 a.m., Wednesday, April 27, 2005.

SENATE CALENDAR

SIXTIETH DAY–WEDNESDAY, APRIL 27, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 498
HCS for HB 640
HCS for HB 866
HB 116-Deeken, et al

HB 196-Wildberger, et al
HB 832-Brook, et al
HCS for HB 824

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 &
424-Nodler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 393-Stouffer, with SCS
SJR 19-Ridgeway

SB 542-Callahan

HOUSE BILLS ON THIRD READING

1. HCS for HB 365 (Crowell)
2. HCS for HB 347, with SCS (Dolan)
3. HCS for HB 441, with SCS (Cauthorn)
4. HCS for HB 108 (Shields)
5. HCS for HB 388 (Loudon)
6. HCS for HB 468, with SCS (Scott) (In Fiscal Oversight)
7. HCS for HB 174 (Taylor)
8. HCS for HB 186, with SCS (Scott)
9. HB 592-Cooper (120) (Dolan)
10. HCS for HB 135, with SCS (Shields)
11. HB 48-Dougherty, with SCS (Callahan)
12. HCS for HB 58, with SCS (Griesheimer)
13. HB 596-Schaaf (Shields)
14. HB 564-Boykins, et al (Coleman)
15. HB 487-Bruns and Deeken, with SCS (Vogel)
16. HCS for HB 437, with SCS (Crowell)

17. HCS for HB 334 (Crowell)
18. HCS for HB 606 (Kennedy)
19. HCS for HB 10, with SCS (Gross)
20. HCS for HB 11, with SCS (Gross)
21. HB 12-Lager, with SCS (Gross)
22. HB 13-Lager, with SCS (Gross)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- SB 3-Loudon, with SCS
- SB 5-Klindt, with SCS & SS for SCS (pending)
- SB 12-Cauthorn and Klindt
- SB 29-Dolan, with SCS & SA 1 (pending)
- SB 44-Wheeler and Bray, with SCS
- SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
- SB 55-Klindt, with SCS & SS for SCS (pending)
- SB 64-Kennedy, with SCS
- SB 90-Dougherty, with SCS
- SB 93-Cauthorn, with SCS
- SB 152-Wilson, with SCS
- SB 159-Cauthorn
- SB 160-Bartle, et al, with SS (pending)
- SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
- SB 199-Gross
- SB 214-Scott, et al, with SCS

- SB 236-Klindt and Clemens
- SB 240-Scott
- SB 241-Scott
- SB 253-Koster, with SCS
- SB 284-Cauthorn and Clemens, with SCS
- SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
- SB 321-Shields
- SB 324-Scott, with SCS
- SB 339-Gross, with SCS
- SBs 365 & 204-Mayer, et al, with SCS
(pending)
- SB 373-Bartle
- SB 376-Loudon
- SB 434-Cauthorn

SB 470-Engler
SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HCS for HB 422 (Crowell)
HB 445-Guest and Whorton (Klindt)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS (Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS (Bartle)
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al (Crowell)
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)

HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS (Nodler)
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)

HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 10 & 27-Cauthorn, et al,
with HCS
SB 21-Shields, with HCS, as amended
SCS for SB 24-Griesheimer, with HCS
SCS for SB 100-Champion, with HCS
SCS for SBs 103 & 115-Bartle, with HCS

SCS#2 for SB 155-Mayer, with HCS, as amended
SB 189-Gross, with HCS
SCS for SB 252-Koster, et al, with HCS,
as amended
SCS for SB 270-Scott, et al, with HCS,
as amended

RESOLUTIONS

To be Referred

SR 1193-Vogel

Reported from Committee

- SCR 5-Mayer, et al
- SCR 10-Scott
- SCR 12-Koster

- SCR 7-Loudon
- SCR 13-Griesheimer
- SCR 15-Gibbons

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Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY— WEDNESDAY, APRIL 27, 2005

The Senate met pursuant to adjournment.

Senator Mayer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Teach me to do your will for you are my God. Let your good spirit lead me on a level path.” (Psalm 143:10)

My God, the days are long, the week has not ended and there is much before us to be done. In this time of final calls for decisions and actions that affect Your people we need Your guidance so we may follow the path You have laid out for us. Let Your Holy Spirit lead us and may we stay level in our thinking and daily living. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from KOMU-TV, KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

Whereas, the cost of a four-year college education increases each year; and

Whereas, in response to the ever-increasing cost of a college education, the federal government created Section 529 of the Internal Revenue Code, which authorized states to create federal tax-deferred higher education savings programs; and

Whereas, each state has established at least one higher education savings program under the auspices of Section 529; and

Whereas, the state of Missouri established the Missouri Higher Education Savings Program in 1998 to allow parents, grandparents, and any other family members or friends to create tax-deferred higher education savings accounts for a child's future education; and

Whereas, in order to encourage Missouri families to invest in the Missouri Higher Education Savings Program, the state authorizes a participant in the program to deduct up to eight thousand dollars in contributions to the program from the participant's adjusted gross income in determining the amount of state income tax owed; and

Whereas, there is a disincentive for investment in other states' higher education savings programs since the income tax deduction only applies to investments in Missouri's savings program; and

Whereas, parents and families should be afforded every opportunity to invest in the best savings programs, since the goal of higher education savings programs is to increase the amount of money available for a child's higher education:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on Investments in Higher Education Savings Programs; and

BE IT FURTHER RESOLVED that the joint interim committee shall study methods to expand investment opportunities for Missouri parents and families in higher education savings programs, while maintaining the solvency of the Missouri Higher Education Savings Program, and make recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of ten members, five of which shall be members of the Senate appointed by the President Pro Tem of the Senate, with at least two members from the minority party; and five shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least two members from the minority party; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2005, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

HOUSE BILLS ON THIRD READING

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and

programs thereof, the Missouri Health Facilities Review Committee, the Commission for the Missouri Senior Rx Program, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 10An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee, the Commission for the Missouri Senior Rx Program, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 36, Section 10.705, Line 7, by deleting the number “\$17,729,743” and inserting in lieu thereof the number “\$17,705,267”; and Further amend said section, line 8, by deleting the number “21,439,375” and inserting in lieu thereof the number “21,212,662”; and

Further amend said section, line 21, by deleting said line and inserting in lieu thereof the following:

“Total (Not to exceed 1,016 F.T.E.)....\$41,849,716”.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 27, Section 10.325, by deleting said section and replacing in lieu thereof the following new section:

“Section 10.325. To the Department of Mental Health

For the Division of Mental Retardation-Developmental Disabilities

For the purpose of funding asphalt overlay of parking lots at Bellefontaine Habilitation Center

From Mental Health Trust Fund. \$437,304

For the purpose of funding capital improvement projects at State Habilitation Centers and residential facilities

From Mental Health Trust Fund. 336,596

Total (0 F.T.E.). \$773,900”

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 35, Section 10.695, Line 4, by inserting immediately after said line the following new section:

“Section 10.697. To the Department of Health and Senior Services for the purpose of reducing the number of unintended pregnancies, the state of Missouri shall establish the “Missouri Family Planning Program” by fiscal year 2007 with an initial funding amount of five million dollars. The program shall be open to all qualified providers. Family planning shall include, but not be limited to: breast and cervical cancer checks; screening and treatment for sexually transmitted diseases (STDs); HIV screening; voluntary choice of contraception, including natural family planning; infertility management; patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy; education on sexual coercion and violence in relationships; and prenatal and other health care referrals.

From General Revenue Fund. \$5,000,000;

and amend bill totals accordingly.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Dougherty and Green.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Coleman	Days
Dougherty	Graham	Green	Wheeler
Wilson—9			

NAYS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

Absent—Senator Dolan—1

Absent with leave—Senators—
None

Vacancies—None

President Kinder assumed the Chair.

Senator Gross moved that **SCS** for **HCS** for **HB 10**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 10**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—25			

NAYS—Senators

Barnitz	Bray	Coleman	Days
Dougherty	Engler	Graham	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Clemens offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, the agricultural resources of Missouri deserve to be protected from harm; and

WHEREAS, the promise of new markets for agricultural products is encouraging for the producers of the state and warrants further exploration; and

WHEREAS, the integrity of Missouri's agriculture and the land with which that agriculture is nurtured must be maintained for future generations; and

WHEREAS, agriculture has been a fundamental part of Missouri history and tradition and should be maintained as a vital component to Missouri's future, both economically and socially; and

WHEREAS, the unique aspects of Missouri's agriculture should serve as an endorsement for further development and marketing for similar products;

WHEREAS, the abundant natural resources of Missouri should be shared by everyone in the state, both rural and urban residents alike:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create an Interim Committee on Agriculture and Natural Resources Promotion and Development; and

BE IT FURTHER RESOLVED that the interim committee shall be responsible for:

1. Exploring emerging technologies and processes in Missouri agriculture;
2. Developing an agriterrorism prevention program;
3. Investigating development and true impacts of large agriculture operations;
4. Exposing more urban citizens to Missouri's rural natural resources;
5. Promoting successes in Missouri's small and medium niche agricultural markets;
6. Encouraging programs that strengthen the traditional family farm and encourage younger generations to return to the agricultural industries and farming; and

BE IT FURTHER RESOLVED that the interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the interim committee herein established shall consist of ten members, five of which shall be members of the Senate appointed by the President Pro Tem of the Senate, with at least two members from the minority party; and five shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least two members from the minority party; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the interim committee shall expire on December 31, 2005, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

Senator Nodler assumed the Chair.

REFERRALS

President Pro Tem Gibbons referred **SR 1193**; **SCR 17**; and **SCR 18** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HCS** for **HB 11**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HCS** for **HB 11** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 13, Section 11.242, Line 4, by deleting line 4 and line 5 and inserting in lieu thereof the following: “contracts through community based, organizations as described in RSMo 210.112.”; and

Further amend said section, line 9, by inserting after the word “include” the following: “, but are not limited to, Case Management, Foster Care, Residential Treatment,”; and

Further amend said section, line 12, by inserting after the word “and” as it appears the first time in said line the following: “/or”.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 17, Section 11.400, Line 3-9, by striking all of said lines and inserting in lieu thereof the following: “For the purpose of funding administrative services. The single agency administering the Medicaid”.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 14, Section 11.245, Line 5, by deleting the number “\$39,483,463” and inserting in lieu thereof the following “\$46,931,417” and further amend Line 7 by deleting “\$61,174,652” and inserting in lieu thereof the following “68,622,606” and further amend bill totals accordingly.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Dougherty, Kennedy and Wilson.

At the request of Senator Days, **SA 3** was withdrawn.

Senator Gross offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 14, Section 11.245, Line 5, by deleting the number “39,483,463” and inserting in lieu thereof the number “43,207,440”; and further amend said section, line 7, by deleting the number “61,174,652” and inserting in lieu thereof the number “64,898,629”; and further amend said bill, page 24, section 11.475, line 19 by deleting the number “29,232,881” and inserting in lieu thereof the number “25,508,904”; and further amend said section, line 29, by deleting the number “131,693,421” and inserting in lieu thereof the number “127,969,444”; and adjust bill totals accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Stouffer	Taylor	Vogel—20

NAYS—Senators

Alter	Barnitz	Bray	Callahan
Coleman	Days	Dougherty	Engler
Graham	Green	Kennedy	Wheeler
Wilson—13			

Absent—Senator Shields—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 12, with **SCS**, introduced by Repre-sentative Lager, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries

and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HB 12**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 12An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive’s Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HB 12** be adopted.

Senator Graham offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 12, Page 2, Section 12.030, Line 3, by deleting said line and inserting in lieu thereof the following:

“From General Revenue Funds.....\$438,069
From Federal Funds.....226,713
Total (Not to exceed 12.50 F.T.E.).....\$664,782”;
and amend bill totals accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **HB 12**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 12**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators

Coleman	Dougherty—2
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Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 13, with **SCS**, introduced by Representative Lager, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up by Senator Gross.

SCS for **HB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 13An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was taken up.

Senator Gross moved that **SCS** for **HB 13** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 13** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Gross, title to the bill was agreed to.
Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles A. Bowen, M.D., 1525 Woodbury Drive, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2007, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Timothy J.P. Cooper, M.D., 3905 Jacobs Landing Road, Saint Charles, Saint Charles County, Missouri 63304, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Louis B. Eckelkamp, Republican, 1400 Dogwood Terrace, Washington, Franklin County, Missouri 63090, as a member of the Missouri Development Finance Board, for a term ending September 14, 2007, and until his successor is duly appointed and qualified; vice, Bill Burch, resigned.

Respectfully submitted,

MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Donald R. England, 1968 Alamos Place, Columbia, Boone County, Missouri 65201, as a member of the Interior Design Council, for a term ending April 6, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas J Fritzlen, Jr., 800 West 121st Street, Kansas City, Jackson County, Missouri 64145, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Harold E. James, Republican, 2700 Limerick Lane, Columbia, Boone County, Missouri 65203, as a member of the Credit Union Commission, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Patricia Jacobs-Macdonald, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James B. Kelly, Jr., M.D., 11720 Madison, Kansas City, Jackson County, Missouri 64114, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Jay B. Knudtson, 815 Pheasant Cove, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Community Service Commission, for a term ending December 15, 2007, and until his successor is duly appointed and qualified; vice, Sherry Maxwell, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Claudette M. Scott, 7327 Harrison Street, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until her successor is duly appointed and qualified; vice, Carrie Vanderford, resigned.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SJR 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 258**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 73**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 378**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1 Amend Senate Bill No. 378, Page 1, Section 301.301, Line 2, by deleting said Line and inserting in lieu thereof the following:

“no cost up to two **sets of two** license plate tabs per year when the application for the”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, following breast cancer, cervical cancer is the second most common cancer in women worldwide after breast cancer; and

WHEREAS, according to United States cervical cancer statistics, the disease is the third most common gynecological cancer among American women. With approximately 12,200 new cases diagnosed annually, 4,100 of these cases result in death; and

WHEREAS, with regular and accurate screening, cervical cancer is highly preventable with regular and accurate screening; and

WHEREAS, widespread screening programs have helped reduce death rates from cervical cancer, but women are still dying even with such advanced medical techniques and evaluative procedures; and

WHEREAS, cervical cancer cases in the United States are generally attributed to lack of education, a reduction of access available to regular cervical cancer screening, and a lack of screening accuracy; and

WHEREAS, experience shows that increasing cervical cancer awareness among women, especially underserved women within our state, significantly reduces the probability of mortality; and

WHEREAS, cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening; and

WHEREAS, approximately one-half of all cervical cancer cases are in women who have never been screened, and ten percent of cases are in women who have not been screened within the last five years; and

WHEREAS, the median age of cervical cancer patients at diagnosis is 47 years, the youngest median age for all female reproductive cancers; and

WHEREAS, new screening technologies, including FDA-approved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to finally eliminate this potentially deadly disease through early identification of women at increased risk; and

WHEREAS, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society, and the Association of Reproductive Health Professionals have recently updated their screening guidelines to include FDA-approved testing for human papillomavirus; and

WHEREAS, women are entitled to proper cervical cancer information so they can be empowered to make informed health care decisions, and are entitled to access to routine screening, including the most accurate methods available:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby recognize that through education and screening women can lower their likelihood for developing cervical cancer, and that through early detection cervical cancer can be successfully treated after it develops; and

BE IT FURTHER RESOLVED that the Missouri General Assembly supported the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in taking the lead in formulating the Comprehensive Cancer Action Plan for Missouri, including the review of data regarding cervical cancer and human papillomavirus of women in Missouri, evaluating current methods used to provide women with information regarding cervical cancer, access to regular screening, and options for increasing screening accuracy; and

BE IT FURTHER RESOLVED that the Missouri General Assembly supports the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium in the identification of pockets of need, priority strategies, and new technologies, including new introduced therapies and preventive vaccines which are effective in preventing and controlling cervical cancer; and

BE IT FURTHER RESOLVED that the Missouri General Assembly directs that the Comprehensive Cancer Action Plan for Missouri, which serves as a nationwide model of effective cancer control strategies, be presented annually to the Governor, Lieutenant Governor, President Pro Tem of the Senate, the Speaker of the House of Representatives, and be posted on the Missouri state web site homepage; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Governor Matt Blunt, Lieutenant Governor Peter Kinder, the Director of the Department of Health and Senior Services, and the Missouri Cancer

Consortium.

In which the concurrence of the Senate is respectfully requested.
On motion of Senator Shields, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

SENATE BILLS FOR PERFECTION

Senator Wilson moved that **SB 152**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 152**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 152**

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to youth smoking.
Was taken up.

Senator Wilson moved that **SCS** for **SB 152** be adopted.

At the request of Senator Wilson, **SB 152**, with **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SCS** for **SBs 10** and **27**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 10** and **27**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 10 and 27**

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Was taken up.

Senator Cauthorn moved that **HCS** for **SCS** for **SBs 10** and **27** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Cauthorn, **HCS** for **SCS** for **SBs 10** and **27** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty	Gross—2
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Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Cauthorn, title to the bill was agreed to.
Senator Cauthorn moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.
Senator Shields moved that **SB 21**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 21, as amended, entitled:
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 21

An Act to repeal sections 192.016 and 453.020, RSMo, and to enact in lieu thereof two new sections relating to putative father registry.

Was taken up.
Senator Shields moved that **HCS for SB 21**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman

Dougherty

Gross—3

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Shields, **HCS** for **SB 21**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter

Barnitz

Bartle

Bray

Callahan

Cauthorn

Champion

Clemens

Coleman

Crowell

Days

Dolan

Engler

Gibbons

Graham

Green

Griesheimer

Kennedy

Klindt

Koster

Loudon

Mayer

Nodler

Purgason

Ridgeway

Scott

Shields

Stouffer

Taylor

Vogel

Wheeler

Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty

Gross—2

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SCS** for **SB 24**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 24**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 24

An Act to repeal section 488.426, RSMo, and section 488.429, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and to enact in lieu thereof one new section relating to limitations on the use of law library funds.

Was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 24** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Griesheimer, **HCS** for **SCS** for **SB 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer

NAYS—Senators—None

Absent—Senators

Dougherty

Klindt—2

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Griesheimer, title to the bill was agreed to.
Senator Griesheimer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 15** be taken up for adoption, which motion prevailed.
On motion of Senator Gibbons, **SCR 15** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

PRIVILEGED MOTIONS

Senator Champion moved that **SCS** for **SB 100**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 100**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 100

An Act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

Was taken up.

Senator Champion moved that **HCS** for **SCS** for **SB 100** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Champion, **HCS** for **SCS** for **SB 100** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mayer moved that the Senate refuse to concur in **HCS** for **SCS No. 2** for **SB 155**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Koster moved that **SCS** for **SB 252**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 252**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 252

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

Was taken up.

Senator Koster moved that **HCS** for **SCS** for **SB 252**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Gross—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Koster, **HCS** for **SCS** for **SB 252**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Coleman	Green—2
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 179**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SB 237**, entitled:

An Act to repeal sections 227.240, 386.020, 392.200, 392.245, 392.500, 536.024, and 536.037, RSMo, and to enact in lieu thereof eight new sections relating to telecommunications companies, with penalty provisions.

With House Amendments 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Section 227.240, Page 1, Line 7, by inserting immediately after said line the following:

“2. A cable television corporation or company shall be permitted to place its lines within the right-of-way of any state highway, consistent with the rules and regulations of the state highways and transportation commission. The state highways and transportation commission shall establish a system for receiving and resolving complaints with respect to cable television lines placed in, or removed from, the right-of-way of a state highway.”; and renumber remaining subsections accordingly and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, Page 22, Section 1, Line 1, by inserting prior to the word “Any” the phrase “Beginning January 1, 2007” and further amend the same section, Page 23, Line 8, by deleting the phrase “August 28, 2005” and inserting in its stead “January 1, 2007”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 323**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS for HB 1** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS for HCS for HB 2** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS for HCS for HB 3**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS for HCS for HB 4** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS for HCS for HB 5** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS for HCS for HB 6** and request the Senate to recede from its position and failing to do so grant the

House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 7**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 8**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 9** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 10**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HCS** for **HB 11**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HB 12**, as amended and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCS** for **HB 13**, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Gross requested unanimous consent of the Senate to make one motion to send **SCS** for **HB 1**; **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**, as amended; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**, as amended; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**, as amended; **SCS** for **HCS** for **HB 11**, as amended; **SCS** for **HB 12**, as amended; and **SCS** for **HB 13**, to conference, which request was granted.

Senator Gross moved that the Senate refuse to recede from its position on **SCS** for **HB 1**; **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**, as amended; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**; **SCS** for **HCS** for **HB 7**, as amended; **SCS** for **HCS** for **HB 8**, as amended; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**, as amended; **SCS** for **HCS** for **HB 11**, as amended; **SCS** for **HB 12**, as amended; and **SCS** for **HB 13** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 2**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 4**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 5**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 6**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 9**: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 12**, as amended: Senators Gross, Nodler, Purgason, Dougherty and Green.

Also,

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 13**: Senators Gross, Nodler, Purgason, Dougherty and Green.

PRIVILEGED MOTIONS

Senator Scott moved that **SCS** for **SB 270**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 270**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof fifteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

Was taken up.

Senator Scott moved that **HCS** for **SCS** for **SB 270**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter

Barnitz

Bartle

Bray

Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Gross—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Scott, **HCS** for **SCS** for **SB 270**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gross moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gross moved that **SB 189**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 189**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 189

An Act to repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to the health care provider tax, with an emergency clause.

Was taken up.

Senator Gross moved that **HCS** for **SB 189** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Dougherty Green—2

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **HCS** for **SB 189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

April 26, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the State Employees Voluntary Life Insurance Commission

Dear Terry:

Pursuant to Section 105.1010 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the State Employees Voluntary Life Insurance Commission:

Senator John Loudon

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

April 26, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment to the Children's Trust Fund Board

Dear Terry:

Pursuant to Section 210.170 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Children's Trust Fund Board:

Senator Maida Coleman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

Also,

April 27, 2005

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 93rd General Assembly's Senate FFA Caucus at the March 31, 2005 meeting.

Please add the following member to the caucus:

- Senator Frank Barnitz

Sincerely,
/s/ Charlie
Charlie Shields

RESOLUTIONS

Senators Gibbons, Shields and Coleman offered Senate Resolution No. 1219, regarding Public Service Recognition Week, which was adopted.

Senator Klindt offered Senate Resolution No. 1220, regarding Katey Poteet, Helena, which was adopted.

Senator Stouffer offered Senate Resolution No. 1221, regarding Battery C, 1st Battalion, 128th Field Artillery of the Missouri National Guard, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1222, regarding Bethel Purim Ministries, Incorporated, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1223, regarding the birth of Josie Rachel Bray, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1224, regarding the birth of Cooper Lee Rentschler, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1225, regarding Mr. and Mrs. Shawn Michael Simpson, which was adopted.

Senator Crowell offered Senate Resolution No. 1226, regarding Russell Grammar, which was adopted.

Senator Graham offered Senate Resolution No. 1227, regarding Katie Stanley, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Tom Flanigan, Carthage.

Senator Gibbons introduced to the Senate, Dan and B. Lou Ann Card, Kirkwood.

Senator Gibbons introduced to the Senate, Jeff and Patrice Mugg and their children, Joshua and Hannah, Kirkwood.

Senator Griesheimer introduced to the Senate, Greg Hoberock and his daughter, Alexandria, Washington; and Alexandria was made an honorary page.

Senator Stouffer introduced to the Senate, Kent Sanders and his daughter, Kaitlin and Elizabeth Farnen, Richmond.

Senator Klindt introduced to the Senate, Richard and Renee' Fordyce and their children, Emma and Ethan, Bethany; and Emma and Ethan were made honorary pages.

Senator Dougherty introduced to the Senate, Phyllis Larimore and Carla Sauerwein, Kansas City; and Madeleine Ortman, St. Louis.

Senator Shields introduced to the Senate, Traci Widman, her daughter, Alexandra and twenty-five students from St. Theresa, Parkville; and Sharron Guest, King City; and Alexandra was made an honorary page.

Senator Griesheimer introduced to the Senate, Randy, Fritz and Ethan Smith, Wildwood.

Senator Shields introduced to the Senate, seventh grade students from Spring Garden Middle School, St. Joseph.

Senator Gross introduced to the Senate, Coaches Kathy Chapin, Anna Lind, Andrea Ellis and the State 2A Girls Volleyball Team Champions from Lutheran High School, St. Charles County.

Senator Griesheimer introduced to the Senate, Brandon Large, Union; Mindy Maness, Sedalia; and other students from Truman State University, Kirksville.

Senator Callahan introduced to the Senate, fourth grade students from Glendale Elementary School, Kansas City.

Senator Loudon introduced to the Senate, Thomas and Debra Ritter and their children, Kaitlyn, Joshua, Jessica, Mark, Maria, Amariah, Tommy, Adam, Caleb, Zipporah, Abraham, Isaiah, Hannah, Janai, Jedidiah, Esther, Rebekah, Josiah and Christian, Pike.

Senator Scott introduced to the Senate, his son, Todd, daughter-in-law, Kelly, and his grandson, Landen, Jefferson City.

Senator Dougherty introduced to the Senate, Jimmy Holmes, St. Louis; and Donald Williamson, University City.

Senator Champion introduced to the Senate, Bob and Lucille Bruyneel, Columbia.

Senator Scott introduced to the Senate, Nancy Goslinand, Sally Hart and students from Leesville R-IV School, Clinton; and Christopher Tootle, Justin Richardson, Mandi Dennis and Kayla Parks were made honorary pages.

Senator Graham introduced to the Senate, Dima Rozenblat, Annie Rumpf, Bianca Mello, Alison Baxter and students from Fairview Elementary School, Columbia; and Dima, Annie, Bianca and Alison were made honorary pages.

Senator Dougherty introduced to the Senate, Luchia Circello and Anthony Pace, Kansas City; and Gabrielle Lancia and Angelo Sita, St. Louis.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin; Sally and Joe Chowning, Branson; and Everett and Millie Edwards, Neosho.

Senator Graham introduced to the Senate, Carl Edwards, North Carolina; and his mother and stepfather, Nancy and Jim Sterling, Columbia; and Steven Hermann, Lake Ozark.

Senator Griesheimer introduced to the Senate, Judge Larry Davis and Sarah Osseck, Union; and Sarah was made an honorary page.

Senator Bray introduced to the Senate, Lucy Dolan and her mother, Mrs. Lucy Dolan, Creve Coeur.

Senator Ridgeway introduced to the Senate, Wendy Witcig and her children Jordan, Josh and Jonah; and Jordan Lewis, Kansas City; and Jordan, Josh, Jonah and Jordan were made honorary pages.

Senator Purgason introduced to the Senate, William Keptner, Eldon.

Senator Barnitz introduced to the Senate, Mr. and Mrs. Frankie Todd, Crawford County.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY—THURSDAY, APRIL 28, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 498
HCS for HB 640
HCS for HB 866
HB 116-Deeken, et al

HB 196-Wildberger, et al
HB 832-Brook, et al
HCS for HB 824

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 &
424-Nodler (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 393-Stouffer, with SCS
SJR 19-Ridgeway

SB 542-Callahan

HOUSE BILLS ON THIRD READING

1. HCS for HB 365 (Crowell)
2. HCS for HB 347, with SCS (Dolan)
3. HCS for HB 441, with SCS (Cauthorn)

4. HCS for HB 108 (Shields)
5. HCS for HB 388 (Loudon)
6. HCS for HB 468, with SCS (Scott)
(In Fiscal Oversight)
7. HCS for HB 174 (Taylor)
8. HCS for HB 186, with SCS (Scott)
9. HB 592-Cooper (120) (Dolan)

10. HCS for HB 135, with SCS (Shields)
11. HB 48-Dougherty, with SCS (Callahan)
12. HCS for HB 58, with SCS (Griesheimer)
13. HB 596-Schaaf (Shields)
14. HB 564-Boykins, et al (Coleman)
15. HB 487-Bruns and Deeken, with SCS
(Dolan)
16. HCS for HB 437, with SCS (Crowell)
17. HCS for HB 334 (Crowell)
18. HCS for HB 606 (Kennedy)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 3-Loudon, with SCS
SB 5-Klindt, with SCS & SS for SCS
(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS (pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens

SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle

SB 376-Loudon
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

CONSENT CALENDAR

House Bills

Reported 4/11

HCS for HB 422 (Crowell)
HB 445-Guest and Whorton (Klindt)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)
HB 688-Byrd, et al, with SCS (Bartle)
HCS for HB 630 (Purgason)

HB 567-Stevenson, et al (Crowell)
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS (Nodler)
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 103 & 115-Bartle, with HCS

SS for SCS for SB 237-Klindt, with HCS,
as amended

SB 378-Coleman, with HA 1

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HB 1-Lager, with SCS (Gross)
HCS for HB 2, with SCS (Gross)
HCS for HB 3, with SCS, as amended (Gross)
HCS for HB 4, with SCS (Gross)
HCS for HB 5, with SCS (Gross)
HCS for HB 6, with SCS (Gross)
HCS for HB 7, with SCS, as amended (Gross)
HCS for HB 8, with SCS, as amended (Gross)

HCS for HB 9, with SCS (Gross)
HCS for HB 10, with SCS, as amended
(Gross)
HCS for HB 11, with SCS, as amended
(Gross)
HB 12-Lager, with SCS, as amended (Gross)
HB 13-Lager, with SCS (Gross)

Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS,
as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

To be Referred

HCR 23-Sutherland, et al

Reported from Committee

SCR 5-Mayer, et al
SCR 10-Scott
SCR 12-Koster

SCR 7-Loudon
SCR 13-Griesheimer

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY— THURSDAY, APRIL 28, 2005

The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest.” (Matthew 11:28)

Gracious God, You give us a gracious invitation to come to You when we are feeling tired and burdened under the weight of so many bills and actions that need to be taken. You promise to give us rest for our minds, our bodies and our spirit and we are in need of that during this crunch time for us. Let us rest in You this weekend so we may be refreshed, have time with loved ones and with You so we are ready for another week of pressures and lack of sleep. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1230

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen who has distinguished himself through excellence in education; and

WHEREAS, C. Tim Brown, an esteemed resident of Springfield, Missouri, will be honored as the Missouri Association of Elementary School Principals (MAESP) 2005 Missouri National Distinguished Principal of the Year during a special presentation to be held April 28, 2005, in Jefferson City; and

WHEREAS, Tim Brown was one of thirteen Missouri Distinguished Principals considered for the prestigious award by the MAESP, a state-wide association of nearly 1,000 elementary and middle school principals and assistant principals from across the state of Missouri; and

WHEREAS, Tim Brown has played an integral role in the educational development of several southwest Missouri youngsters as the Principal of Campbell Elementary School of Springfield for the past six years, during which time he has witnessed with pleasure as the school obtained the rating of an "Accomplished" school based on the District's Accountability Recognition and Reward Plan; and

WHEREAS, prior to joining Campbell Elementary School, Tim Brown gained an immeasurable amount of experience from the important positions he held at Rogers Junior High School in El Dorado, Arkansas, from 1978 to 1980, Jarrett Junior High School from 1980 to 1988, Reed Junior High School from 1991 to 1993, and Pleasant View Middle and Elementary School from 1993 to 1999; and

WHEREAS, a graduate of the University of Central Arkansas and Southwest Missouri State University, Tim Brown has conducted workshops and made presentations on topics which include Middle School Block Scheduling, Implementation of Middle School Concepts and Programs, Serving up Character Education, Connecting School Culture and Student Achievement, and Using Data to Support Your Character Education Program; and

WHEREAS, a proud recipient of the American Association of School Administrators 2004 Civic Star Award, Tim Brown has compiled an enviable list of service to several professional organizations which include the National Association of Elementary School Principals, the Missouri Association of Elementary School Principals, the Springfield Association of Middle School Principals, and the Springfield Association for Children with Learning Disabilities, just to name a few:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, unanimously join in extending our most hearty congratulations to Tim Brown at this proud moment of well-deserved distinction, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for 2005 Missouri National Distinguished Principal of the Year, C. Tim Brown.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 237**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Coleman moved that **SB 378**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

President Kinder assumed the Chair.

Senator Coleman moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Coleman, **SB 378**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1**. Representatives: Lager, Icet, Stefanick, LeVota, and Robinson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**. Representatives: Lager, Icet, Stefanick, LeVota and Schoemehl.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**, as amended. Representatives: Lager, Icet, Stefanick, Fraser and Baker (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**. Representatives: Lager, Icet, Stefanick, Shoemyer and Wright-Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**. Representatives: Lager, Icet, Stefanick, Liese and Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**. Representatives: Lager, Icet, Stefanick, Henke and Witte.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**, as amended. Representatives: Lager, Icet, Stefanick, Spreng and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**, as amended. Representatives: Lager, Icet, Stefanick, Wildberger and Roorda.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**. Representatives: Lager, Icet, Stefanick, Brown (50) and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**, as amended. Representatives: Lager, Icet, Stefanick, Donnelly and Johnson (61).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**, as amended. Representatives: Lager, Icet, Stefanick, Donnelly and El-Amin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 12**, as amended. Representatives: Lager, Icet, Stefanick, LeVota, and Storch.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 13**. Representatives: Lager, Icet, Stefanick, LeVota, and Storch.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 3**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 3

An Act to repeal sections 135.327 and 135.329, RSMo, and to enact in lieu thereof two new sections relating to adoption tax credits, with an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **SB 3** be adopted, which motion prevailed on a standing division vote.

On motion of Senator Loudon, **SCS** for **SB 3** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ervin Dock, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

John W. Buckner, III, M.D., as a member of the State Board of Health;

Also,

Daniel P. Card II, as Chairman of the Governor's Council on Disability;

Also,

Patrice O'Neil Mugg, as a member of the Children's Trust Fund Board;

Also,

Thomas Robert Forget, Jr., M.D., as a member of the Missouri Head Injury Advisory Council;

Also,

Daniel Scodary, M.D., as a member of the State Board of Registration for the Healing Arts;

Also,

Terry J. Brady, as a member of the Kansas City Board of Police Commissioners;

Also,

Mark J. Garnett, as a member of the Air Conservation Commission;

Also,

Bernal J. Bailey, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Richard Fordyce, as a member of the State Soil and Water Districts Commission;

Also,

Donald Eric Park, as a member of the Credit Union Commission;

Also,

Gerald W. Jones, as a member of the Missouri Emergency Response Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS for HB 394**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS for HB 576**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 576, Page 3, Section 536.050, Line 21, by striking “sections 536.300 and” and inserting in lieu thereof the following: “**section 536.300 or**”; and

Further amend said bill, page 5, section 536.100, line 9, by inserting after the word “agency” the following: “, **other than the administrative hearing commission or any board established to provide independent review of the decisions of a department or division that is authorized to promulgate rules and regulations under this chapter,**”; and

Further amend said bill, page 5, section 536.100, line 16, by inserting after “536.140” following: “**or other provision for judicial review provided by statute**”; and

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS for HB 461**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 114**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 326**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS for HBs 518, 288, 418 and 635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the

following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS No. 2** for **HB 568**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 353**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 208**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 276**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 417**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS** for **HB 64**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 466**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**; and **HCS** for **HB 468**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Bartle assumed the Chair.

The Senate paused in a moment of prayer in memory of workers who have lost their lives the past twelve months.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 178**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 211**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 246**, entitled:

An Act to repeal section 249.255, RSMo, and to enact in lieu thereof four new sections relating to sewer systems. In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and passed **SB 259**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 261**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 266**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 267**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 279**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 289**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 237**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 237**, as amended. Representatives: Rector, Emery, Schad, LeVota, George.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 237**, as amended: Senators Klindt, Griesheimer, Ridgeway, Green and Callahan.

PRIVILEGED MOTIONS

Senator Days moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 246**, and request the House to recede from its position and take up and pass **SCS** for **SB 246**, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul D. Bloch, 100 Dale Lane, California, Moniteau County, Missouri 65018, as a member of the Personnel Advisory Board, for a term ending July 31, 2010, and until his successor is duly appointed and qualified; vice, Karen Touzeau, term expired.

Respectfully submitted,
MATT BLUNT

Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John J. Diehl, Jr., Republican, 2404 White Stable Road, Town and Country, Saint Louis County, Missouri 63131, as Chairman and a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Richard Sullivan, deceased.

Respectfully submitted,
MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Thomas J. Held, 225 West 4th Street, Hermann, Gasconade County, Missouri 65041, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until his successor is duly appointed and qualified; vice, Karl Hewitt, term expired.

Respectfully submitted,
MATT BLUNT

GovernorAlso, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Duncan E. Kincheloe, III, 137 North Capistrano Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 31, 2010, and until his successor is duly appointed and qualified; vice, Paul Rainsburger, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Leonard M. Miller, Republican, 1817 4th Street, Platte City, Platte County, Missouri 64079, as a member of the Public Defender Commission, for a term ending December 30, 2005 and until his successor is duly appointed and qualified; vice, Gary Smith, term expired.

Respectfully submitted,

MATT BLUNT
GovernorAlso, OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William Miller, Jr., Democrat, 12502 Bielefeld Court, Florissant, Saint Louis County, Missouri 63033, as a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Linda Locke, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 21, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Paul R. Schmidt, Sr., Republican, 2013 Treybrook Court, Imperial, Jefferson County, Missouri 63052, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, Robert Saunders, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Toni R. Smith, D.O., 230 South First Street, Kirksville, Adair County, Missouri 63501, as a member of the Advisory Commission for Anesthesiologist Assistants, for a term ending September 3, 2006, and until her successor is duly appointed and qualified; vice, RSMo 334.430.

Respectfully submitted,
MATT BLUNT
GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 21, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Derrick S. Standley, Republican, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; vice, Rusty Brown, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Susan B. Williamson, Democrat, 4903 South Coats Lane, Columbia, Boone County, Missouri 65203, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anita T. Yeckel, Republican, 8819 Gladlea Drive, Saint Louis, Saint Louis County, Missouri 63127, as a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Barbara Enneking, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Chaim H. Zimbalist, Democrat, 14316 Conway Meadows Court East 303, Chesterfield, Saint Louis County, Missouri 63017, as Secretary and a member of the Board of Election Commissioners for Saint Louis County, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Pamela Wright, term expired.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **HCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 37, 322, 78, 351 and 424, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 37, 322, 78, 351 and 424

An Act to repeal sections 311.310, 311.325, 565.024, 568.050, and 577.023, RSMo, section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof six new sections relating to alcohol related offenses, with penalty provisions.

Was taken up.

On motion of Senator Nodler, **SS for SCS for SBs 37, 322, 78, 351 and 424** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senator
Dougherty—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Stouffer, **SB 393**, with **SCS**, was placed on the Informal Calendar.

Senator Ridgeway moved that **SJR 19** be taken up for perfection, which motion prevailed.

On motion of Senator Ridgeway, **SJR 19** was declared perfected and ordered printed.

Senator Koster assumed the Chair.

PRIVILEGED MOTIONS

Senator Bartle moved that **SCS** for **SBs 103** and **115**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 103** and **115**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NOS. 103 and 115

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to student enrollment hearings, with penalty provisions.

Was taken up.

Senator Bartle moved that **HCS** for **SCS** for **SBs 103** and **115** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senator
Dougherty—1

Vacancies—None

On motion of Senator Bartle, **HCS** for **SCS** for **SBs 103** and **115** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Dougherty—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Loudon moved that **SCR 7** be taken up for adoption, which motion prevailed.

Senator Loudon offered **SS** for **SCR 7**:

SENATE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, musculoskeletal conditions are responsible for approximately 50 percent of all health-related military disability discharges and the most common non-traumatic cause of functional impairment during military operations; and

WHEREAS, chiropractic services often are used to treat musculoskeletal conditions, and Congress established chiropractic benefits and services for both active duty military within the U.S. Department of Defense and for veterans within the Veterans' Affairs health care systems; and

WHEREAS, doctors of chiropractic practice are in nearly 50 military treatment facilities, primarily testing musculoskeletal conditions and slowly are being added to the VA health care system; and

WHEREAS, there currently is no enterprise coordinating and guiding collaborative research efforts between preeminent chiropractic colleges, scientists, and the military researchers to address the primary questions surrounding integration of chiropractic into military health care environments; and

WHEREAS, there is a critical need to establish a robust, collaborative, national program to address the continued integration of chiropractic health care into the Department of Defense health care systems; and

WHEREAS, Logan College of Chiropractic and the Samueli Institute have proposed the establishment of a plan to create a new consortial Chiropractic Center for Military Research in Chesterfield, Missouri, on the campus of Logan College; and

WHEREAS, the Center will facilitate development of research capacity in the area of musculoskeletal research, education and training through linkages with researchers and scientists at chiropractic educational institutions with researchers within the Department of Defense and with scientists and researchers at the Samueli Institute; and

WHEREAS, the research program to be pursued by the collaborative consortial Chiropractic Center for Military Research will focus special, initial priority consideration on those musculoskeletal conditions that are affecting those active duty military and veterans participating in or returning from combat in Afghanistan and Iraq, including the role of chiropractic manipulation in the total care of those with amputations and prosthetics:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, urge the United States Senate and the United States House of Representatives to authorize and appropriate full funding required to establish the proposed Chiropractic Center for Military Research at Logan College of Chiropractic at its campus in Chesterfield, Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Missouri Congressional delegation.

Senator Loudon moved that **SS** for **SCR 7** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCR 7**, as amended by the **SS**, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Dougherty—1

Vacancies—None

Senator Mayer moved that **SCR 5** be taken up for adoption, which motion prevailed.
On motion of Senator Mayer, **SCR 5** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator
Dougherty—1

Vacancies—None

Senator Griesheimer moved that **SCR 13** be taken up for adoption, which motion prevailed.

On motion of Senator Griesheimer, **SCR 13** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Days Klindt—2

Absent with leave—Senator
Dougherty—1

Vacancies—None

HOUSE BILLS ON THIRD READING

HCS for **HB 365** was placed on the Informal Calendar.

HCS for **HB 347**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 441**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 108** was placed on the Informal Calendar.

HCS for **HB 388** was placed on the Informal Calendar.

HCS for **HB 468**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 174** was placed on the Informal Calendar.

HCS for **HB 186**, with **SCS**, was placed on the Informal Calendar.

HB 592 was placed on the Informal Calendar.

HCS for **HB 135**, with **SCS**, was placed on the Informal Calendar.

HB 48, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 58**, with **SCS**, was placed on the Informal Calendar.

HB 596 was placed on the Informal Calendar.

HB 564 was placed on the Informal Calendar.

HB 487, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 437**, with **SCS**, was placed on the Informal Calendar.

HCS for HB 334 was placed on the Informal Calendar.

HCS for HB 606 was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 498—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 640—Commerce, Energy and the Environment.

HCS for HB 866—Small Business, Insurance and Industrial Relations.

HB 116—Agriculture, Conservation, Parks and Natural Resources.

HB 196—Judiciary and Civil and Criminal Jurisprudence.

HB 832—Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 824—Commerce, Energy and the Environment.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1231, regarding the One Hundred Sixth Birthday of Ida May Myers, Hardin, which was adopted.

Senator Purgason offered Senate Resolution No. 1232, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Lowery, Grovespring, which was adopted.

Senator Taylor offered Senate Resolution No. 1233, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Burl Barker, Mt. Vernon, which was adopted.

Senator Taylor offered Senate Resolution No. 1234, regarding the Sixtieth Wedding Anniversary of Ray and Jewell Farwell, Eagle Rock, which was adopted.

Senator Graham offered Senate Resolution No. 1235, regarding A Call To Serve (ACTS), Columbia, which was adopted.

Senator Taylor offered Senate Resolution No. 1236, regarding Lois Jones, which was adopted.

Senator Taylor offered Senate Resolution No. 1237, regarding Norma May, which was adopted.

Senator Taylor offered Senate Resolution No. 1238, regarding Linda Philipian, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Tim Brown and fifty fourth and fifth grade students from Campbell Elementary School, Springfield; and Faye Peters, Jefferson City.

Senator Dolan introduced to the Senate, teachers, parents and students from Wentzville Middle School.

On behalf of Senator Scott, the President introduced to the Senate, Avis Evans and Latonya Frazier, St. Louis; Joe Driver and Valerie Werner, Centralia; Susie Gerau, Jeff Thessen and Mike Brosky, Columbia; Christian McKinzie, Ashland; and Sarah Porter, Jefferson City.

Senator Bartle introduced to the Senate, foreign exchange students representing Flex Pack, Blue Springs.

Senator Cauthorn introduced to the Senate, Mrs. Roach and students from Holy Family School, Hannibal.

Senator Gibbons introduced to the Senate, fourth grade students from Valley Park Elementary School.

Senator Champion introduced to the Senate, Wesley Timm, parents and seventy-five fourth grade students from Mark Twain Elementary School, Springfield.

On behalf of Senator Crowell, the President introduced to the Senate, fourth grade students from Nell Holcomb Elementary School, Cape Girardeau.

Senator Gibbons introduced to the Senate, third, fourth and fifth grade students from Villa di Maria Montessori School, Kirkwood.

Senator Klindt introduced to the Senate, eighty fourth grade students and teachers from South Harrison Elementary School, Bethany.

On behalf of Senators Nodler, Bartle and himself, Senator Graham introduced to the Senate, Chris Banks, Blue Springs; and Jeremy Hollingshead, Webb City.

Senator Klindt introduced to the Senate, parents and twenty-five students from Nodaway-Holt R-VII School.

Senator Scott introduced to the Senate, his brother-in-law, Terry Lawrence, Hudson, Ohio; and Jim and Betty Lawrence, Fulton.

Senator Loudon introduced to the Senate, one hundred six fourth grade students from Woerther Elementary School, Ballwin; and Matt Bruer, Kassidy Deutschmann, Tannia Pourdavarrani, Anna Rohan and Gabrielle Tecklenburg were made honorary pages.

Senator Klindt introduced to the Senate, students from Cowgill Elementary School, Caldwell County.

Senator Mayer introduced to the Senate, Pastor Brad Moore, Advance.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Joel O. Johnson, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 1:00 p.m., Monday, May 2, 2005.

SENATE CALENDAR

SIXTY-SECOND DAY– MONDAY, MAY 2, 2005

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan

SB 326-Nodler, with SCS

SB 417-Engler, et al

SB 466-Vogel, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS
2. HCS for HB 576, with SCA 1 (Nodler)
3. HCS for HB 461
4. HB 114-Johnson (47)
5. HCS for HBs 518, 288, 418 & 635, with SCS
6. HCS#2 for HB 568 (Nodler)
7. HCS for HB 353, with SCS
8. HCS for HB 208, with SCS

9. HCS for HB 276 (Nodler)
10. HCS for HB 64, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS
(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS (pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS for HB 58, with SCS (Griesheimer)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 174 (Taylor)
HCS for HB 186, with SCS (Scott)
HCS for HB 334 (Crowell)
HCS for HB 347, with SCS (Dolan)
HCS for HB 365 (Crowell)
HCS for HB 388 (Loudon)
HCS for HB 437, with SCS (Crowell)
HCS for HB 441, with SCS (Cauthorn)
HCS for HB 468, with SCS (Scott)

HB 487-Bruns and Deeken, with SCS (Dolan)

HB 564-Boykins, et al (Coleman)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)

CONSENT CALENDAR

House Bills

Reported 4/11

HCS for HB 422 (Crowell)
HB 445-Guest and Whorton (Klindt)
HB 453-May, et al (Crowell)
HB 479-Ervin (Ridgeway)
HCS for HB 515, with SCS (Taylor)
HCS for HB 531 (Champion)

HCS for HB 577 (Purgason)
HCS for HB 631 (Gibbons)
HB 638-Cunningham (86), with SCS
(Wheeler)
HB 685-Franz, with SCS (Purgason)
HB 743-Kingery, et al (Engler)

Reported 4/12

HBs 361 & 684-Lipke, with SCS (Bartle)

HB 688-Byrd, et al, with SCS (Bartle)
HCS for HB 630 (Purgason)
HB 567-Stevenson, et al (Crowell)
HB 486-Bruns (Vogel)
HCS for HB 362, with SCS (Bartle)
HB 456-Kuessner, et al, with SCS (Engler)
HB 450-Meiners, with SCS (Griesheimer)
HB 43-Wallace (Taylor)
HB 53-Swinger and Bean, with SCS (Mayer)
HB 155-Ruestman (Taylor)
HB 243-May, et al (Dolan)
HB 423-Kuessner, with SCS (Engler)

HB 528-Cunningham (145), with SCS
(Clemens)
HB 618-Bearden, et al, with SCS (Gross)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS (Nodler)
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)

HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 237-Klindt, with HCS,
as amended

HB 1-Lager, with SCS (Gross)

HCS for HB 2, with SCS (Gross)

HCS for HB 3, with SCS, as amended
(Gross)

HCS for HB 4, with SCS (Gross)

HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)

HCS for HB 7, with SCS, as amended
(Gross)

HCS for HB 8, with SCS, as amended
(Gross)

HCS for HB 9, with SCS (Gross)

HCS for HB 10, with SCS, as amended
(Gross)

HCS for HB 11, with SCS, as amended
(Gross)

HB 12-Lager, with SCS, as amended (Gross)

HB 13-Lager, with SCS (Gross)

Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended (Senate requests House
recede or grant conference)

SCS for SB 246-Days, with HCS (Senate requests
House recede and pass the bill)

RESOLUTIONS

Reported from Committee

SCR 10-Scott

SCR 12-Koster

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY— MONDAY, MAY 2, 2005

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“Keep your heart with all diligence; for out of it are the issues of life.” (Proverbs 4:23)

Dear Lord, as we begin this week, help us keep our heart in line with Yours; for from it, all decisions are made and all convictions are held fast. Our lives, our conscience, our souls are under fire by those who would have us fail in what we know is true and in keeping with Your teachings. Bless us and guide us this week that amid all the pressures to get things done, we remain faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 28, 2005 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1239, regarding Hermitage Elementary School, which was adopted.

Senator Scott offered Senate Resolution No. 1240, regarding Joe F. Rayl, Bolivar, which was adopted.

Senator Scott offered Senate Resolution No. 1241, regarding Evelyn Fullerton, Bolivar, which was adopted.

Senator Coleman offered Senate Resolution No. 1242, regarding Heather Frost, which was adopted.

Senator Loudon offered Senate Resolution No. 1243, regarding the Missouri Merchants and Manufacturers Association, which was adopted.

Senator Graham offered Senate Resolution No. 1244, regarding Richard L. Andrews, Columbia, which was adopted.

Senator Dolan offered Senate Resolution No. 1245, regarding the Sesquicentennial Celebration of the City of Augusta, which was adopted.

Senator Purgason offered Senate Resolution No. 1246, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vearn Carter, Bucyrus, which was adopted.

Senator Graham offered Senate Resolution No. 1247, regarding Lowell B. Patterson, Columbia, which was adopted.

Senator Bartle offered Senate Resolution No. 1248, regarding Jason L. Nonnemaker, which was adopted.

Senator Bartle offered Senate Resolution No. 1249, regarding John H. A. Griesdieck, which was adopted.

Senator Gibbons offered Senate Resolution No. 1250, regarding Stephen Bongner, St. Louis, which was adopted.

Senator Gross requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the Senate Appropriations conferees to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SJR 19** and **SCS** for **SB 3**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 11**,

begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 9**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 15**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **HCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 901**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1193**, begs leave to report that it has considered the same and recommends that the resolution do pass with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 1193, Senate Journal, April 26, 2005, Page 781, Column 1, Line 17 of said column, by striking the following: "2005,".

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 394**, with **SCS**; **HCS** for **HB 576**, with **SCA 1**; **HB 114**; **HCS** for **HBs 518, 288, 418** and **635**, with **SCS**; and **HCS** for **HB 353** to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 400**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto five new sections relating to the dental carve-out act of 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 649**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 91**, entitled:

An Act to repeal section 99.805, RSMo, and to enact in lieu thereof two new sections relating to tax increment financing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 500 & 533**, entitled:

An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfer of employer accounts, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 474**, entitled:

An Act to amend chapter 506, RSMo, by adding thereto one new section relating to right of intervention by insurers in certain civil actions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 560**, entitled:

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to limiting the number of excursion gambling boat licenses issued by the gaming commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on April 19, 2005 for your advice and consent:

Gary L. Heldt, 1097 Highway 94, Hermann, Montgomery County, Missouri 65041, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2009, and until his successor is duly appointed and qualified; vice, Theodore Beaty, term expired.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor per his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Aaron L. Aitch, 3464 Aitch Road, Union, Franklin County, Missouri 63084, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Angelia Elgin.

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald M. Alexander, 645 Mollie Street, Marshfield, Webster County, Missouri 65706, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randall N. Angst, 18732 Normandy Drive, Lebanon, Laclede County, Missouri 65536, as a member of the Small Business Regulatory Fairness Board, for a term ending April 30, 2008, and until his successor is duly appointed and qualified; vice, RsMo.536.305.

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James D. Bollinger, 206 Poplar Street, Marble Hill, Bollinger County, Missouri 63764, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Kimberly Wise.

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

K'Alice Breinig, R.N, 504 North Moffet, Joplin, Jasper County, Missouri 64801, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2005, and until her successor is duly appointed and qualified; vice, Deborah J. Barger, withdrawn.

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Randy L. Cole, 7519 Twin Lake Drive, Jefferson City, Cole County, Missouri 65101, as the Missouri State Fire Marshal, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, William Farr, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sam B. Cook, Democrat, 7 Upper Ladue Road, Ladue, Saint Louis County Missouri 63124, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2006, and until his successor is duly appointed and qualified; vice, Michael Shanahan, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,
OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Mary R. Cottom, 23881 South Missouri River View Drive, Hartsburg, Boone County, Missouri 65039, as Executive Director of the Missouri Women's Council, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Cheryl E. Grazier, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Nicole Cozean, 605 Laurelwood Ave, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2007, and until her successor is duly appointed and qualified; vice, Erin Hampton, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,
OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ryan P. Doyle, Republican, 507 Zoll Street, Warrensburg, Johnson County, Missouri 64093, as a member of the Environmental Improvement and

Energy Resources Authority, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Charles Bank, term expired.

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Clarence E. Dula, Democrat, 57 Waterman Place, Saint Louis City, Missouri 63112, as a member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Angela da Silva, term expired.

Respectfully submitted,

MATT BLUNT

GovernorAlso,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Lawrence B. Giesing, Democrat, 3915 Colony Gardens Drive, Saint Louis, Saint Louis County, Missouri 63125, as a member of the Credit Union Commission, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Darrell Yokley, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

William J. Humpfer, Republican, 15577 Rose Gate Lane, Chesterfield, Saint Louis County, Missouri 63017, as a member of the Credit Union Commission, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Darryl T. Jones, Democrat, 3833 Castleman, Saint Louis City, Missouri 63110, as a member of the Missouri Gaming Commission, for a term ending April 29, 2008, and until his successor is duly appointed and qualified; vice, the Honorable Jack Gant, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City
65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin F. Kast, Republican, 47 Cambrian Way, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2010, and until his successor is duly appointed and qualified; vice, Kenneth Kielty, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Edward R. Martin, Jr., Republican, 6427 Devonshire Avenue, Saint Louis City, Missouri 63109, as Chairperson and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Derio Gambaro, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Angeletta M. McCormick Franks, Republican, 4750 Michigan Avenue, Saint Louis City, Missouri 63111, as a member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Yvonne Hunter, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Robert W. Mitchell, 204 South Jefferson Street, Archie, Cass County, Missouri 64725, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2008, and until his successor is duly appointed and qualified; vice, William Darby, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Michael L. Nichols, O.D., 3910 Foxcreek Way, Columbia, Boone County, Missouri 65203, as a member of the State Board of Optometry, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, Carter Glass, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joncee L. Nodler, 308 Morgan Court, Joplin, Jasper County, Missouri 64801, as a member of the Public School Retirement System of Missouri Board of Trustees, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Sherri Talbott, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Anita K. Parran, 7145 McGee Street, Kansas City, Jackson County, Missouri 64114, as a member of the State Board of Pharmacy, for a term ending April 27, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard L. Payne, 2112 Timothy Circle, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2008, and until his successor is duly appointed and qualified; vice, William Treece, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Florine Penrod, 1066 Autumn Oaks Drive, Imperial, Jefferson County, Missouri 63052, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, Roger Folk, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Carolyn S. Pinegar, Democrat, 5308 South Kissick, Springfield, Greene County, Missouri 65804, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2011, and until her successor is duly appointed and qualified; vice, William Darr, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Charles L. Ray, Democrat, 722 South State Highway J PO Box 463, Hayti, Pemiscot County, Missouri 63851, as a member of the State Lottery Commission, for a term ending September 7, 2008, and until his successor is duly appointed and qualified; vice, Sue Terry, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dale H. Roberts, 902 Manhattan Drive, Columbia, Boone County, Missouri 65201, as State Supervisor of the Division of Alcohol and Tobacco Control, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Keith Fuller.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kevin L. Rosenbohm, Republican, 18358 395th Street, Graham, Nodaway County, Missouri 64455, as a member of the Air Conservation Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, Barry M. Kayes, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip B. Sayer, Democrat, 671 Northeast 120th Avenue, Galt, Grundy County, Missouri 64641, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Richard D. Schooler, D.O., Republican, 4586 Jute Road, Seneca, Newton County, Missouri 64865, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2007, and until his successor is duly appointed and qualified; vice, Barry Dean Spoon, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Duane E. Schreimann, Democrat, 603 Turnberry Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board for Higher Education, Fourth Congressional District, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Robert Langdon, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Hugh Scott, III, 150 Carondelet Plaza 1403, Clayton, Saint Louis County, Missouri 63105, as a member of the Bi-State Development Agency of the Missouri - Illinois Metropolitan District, for a term ending November 11, 2006, and until his successor is duly appointed and qualified; vice, Shonagh K. Clements, resigned.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph D. Serrano, Democrat, 1216 Huntington Road, Kansas City, Jackson County, Missouri 64113, as Secretary and a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2009, and until his successor is duly appointed and qualified; vice, Cheryl Bisbee, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 27, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Annette E. Slack, J.D., R.N., Democrat, 4418 Rhine Drive, Florissant, Saint Louis County, Missouri 63033, as a member of the State Board of Health, for a term ending October 13, 2008, and until her successor is duly appointed and qualified; vice, Rebecca Buchholz, R.N., term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Cynthia G. Thompson, Republican, 628 Greenway Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Election Commissioners, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Bruce Waugh, term expired.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 29, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

H. John Visser, D.P.M., Democrat, 1028 Arlington Oaks Terrace, Town and Country, Saint Louis County, Missouri 63017, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2008 and until his successor is duly appointed and qualified; vice, Tracy Reed, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:
Thomas N. Wapelhorst, Republican, 230 North Main, Saint Charles, Saint Charles County, Missouri 63301, as a member of the Saint Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2008, and until his successor is duly appointed and qualified; vice, William Dale Finke, resigned.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 26, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:
Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as Secretary and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Michael Lueken, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
April 28, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Leonard M. Miller to the Public Defender Commission, submitted on April 27, 2005. Line 1 should be amended as follows:

“Miller M. Leonard, Republican, 1817 4th Street, Platte City, Platte County,”

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

HCS for HB 422, entitled:

An Act to authorize the governor to convey property owned by the state in the county of Mississippi to the city of Charleston.

Was called from the Consent Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **HCS for HB 422** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.
On motion of Senator Crowell, title to the bill was agreed to.
Senator Crowell moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 445, introduced by Representatives Guest and Whorton, entitled:
An Act to repeal section 71.943, RSMo, and to enact in lieu thereof one new section relating to codification of municipal ordinances.
Was called from the Consent Calendar and taken up by Senator Klindt.
On motion of Senator Klindt, **HB 445** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 453, introduced by Representative May, et al, entitled:

An Act to authorize the governor to convey property owned by the state in the county of Phelps.

Was called from the Consent Calendar and taken up by Senator Crowell.

On motion of Senator Crowell, **HB 453** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

Senator Bartle assumed the Chair.

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 515**, with **SCS**, entitled:

An Act to repeal sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, and to enact in lieu thereof four new sections relating to tourism community enhancement districts.

Was called from the Consent Calendar and taken up by Senator Taylor.

SCS for **HCS** for **HB 515**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 515

An Act to repeal sections 67.1956, 67.1959, 67.1968, and 67.1979, RSMo, and to enact in lieu thereof four new sections relating to tourism community enhancement districts.

Was taken up.

Senator Taylor moved that **SCS** for **HCS** for **HB 515** be adopted, which motion prevailed.

On motion of Senator Taylor, **SCS** for **HCS** for **HB 515** was read a 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 531**, entitled:

An Act to authorize the governor to convey property owned by the state in Greene County.

Was called from the Consent Calendar and taken up by Senator Champion.

On motion of Senator Champion, **HCS** for **HB 531** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Cauthorn—1

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 577, entitled:

An Act to repeal sections 105.454 and 105.458, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by certain public officials and employees.

Was called from the Consent Calendar and taken up by Senator Purgason.

On motion of Senator Purgason, **HCS for HB 577** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Stouffer—2

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 631, entitled:

An Act to authorize the conveyance of property owned by the state in St. Louis County to the Manchester United Methodist Church, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HCS for HB 631** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 638, with **SCS**, introduced by Representative Cunningham (86), entitled:

An Act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to public library districts.

Was called from the Consent Calendar and taken up by Senator Wheeler.

SCS for **HB 638**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 638An Act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to qualifications of the chief executive officer of the urban public library district.

Was taken up.

Senator Wheeler moved that **SCS** for **HB 638** be adopted, which motion prevailed.

On motion of Senator Wheeler, **SCS** for **HB 638** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty

Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.
On motion of Senator Wheeler, title to the bill was agreed to.
Senator Wheeler moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 685, with **SCS**, introduced by Representative Franz, entitled:
An Act to authorize the board of governors of Southwest Missouri State University to convey property in Howell County, with an emergency clause.
Was called from the Consent Calendar and taken up by Senator Purgason.
SCS for **HB 685**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 685An Act to authorize the board of governors of Southwest Missouri State University to convey property in Greene and Howell Counties, with an emergency clause.

Was taken up.
Senator Purgason moved that **SCS** for **HB 685** be adopted, which motion prevailed.
On motion of Senator Purgason, **SCS** for **HB 685** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Taylor	Vogel

Wheeler Wilson—30

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Dougherty Klindt—2

Absent with leave—Senators

Coleman Ridgeway—2

Vacancies—None

On motion of Senator Purgason, title to the bill was agreed to.

Senator Purgason moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 743, introduced by Representative Kingery, et al, entitled:

An Act to authorize the conveyance of property owned by the state in Madison County to the United States for national forest purposes.

Was called from the Consent Calendar and taken up by Senator Engler.

On motion of Senator Engler, **HB 743** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

HB 361 and **HB 684**, with **SCS**, introduced by Representative Lipke, et al, entitled respectively:

An Act to repeal section 488.5050, RSMo, and to enact in lieu thereof one new section relating to the surcharge for DNA profiling analysis.

An Act to repeal sections 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof three new sections relating to the DNA profiling system, with penalty provisions.

Were called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HBs 361** and **684**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 361 and 684

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to DNA profiling, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **HBs 361** and **684** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HBs 361** and **684** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senators—None

Absent—Senators

Dougherty	Gibbons	Klindt—3
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Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 688, with **SCS**, introduced by Representative Byrd, et al, entitled:

An Act to repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating to judicial procedures.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 688**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 688An Act to repeal section 510.120, RSMo, and to enact in lieu thereof one new section relating
to judicial procedures, with penalty provisions.

Was taken up.

Senator Nodler assumed the Chair.

Senator Bartle moved that **SCS** for **HB 688** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 688** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Crowell

Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senator Cauthorn—1

Absent—Senators

Days Klindt—2

Absent with leave—Senators

Coleman Green Ridgeway—3

Vacancies—None

The President declared the bill passed.
On motion of Senator Bartle, title to the bill was agreed to.
Senator Bartle moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 630, entitled:
An Act to repeal sections 355.716 and 355.871, RSMo, and to enact in lieu thereof two new sections relating to not-for-profit corporations.

Was called from the Consent Calendar and taken up by Senator Purgason.
Senator Purgason requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Purgason offered **SPA 1**, which was read:
SENATE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 630, Page 2, Section 355.716, Line 13, by striking the word “avoid” and inserting in lieu thereof the following: “**void**”.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Purgason, **HCS for HB 630**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster

Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.
On motion of Senator Purgason, title to the bill was agreed to.
Senator Purgason moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 567, introduced by Representatives Stevenson and Harris, entitled:
An Act to repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to condemnation proceedings.
Was called from the Consent Calendar and taken up by Senator Crowell.
On motion of Senator Crowell, **HB 567** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Vacancies—None

The President declared the bill passed.
On motion of Senator Crowell, title to the bill was agreed to.
Senator Crowell moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 486, introduced by Representative Bruns, entitled:
An Act to repeal section 566.140, RSMo, and to enact in lieu thereof one new section relating to service providers for sexual offender treatment for probationers.

Was called from the Consent Calendar and taken up by Senator Vogel.
On motion of Senator Vogel, **HB 486** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Vacancies—None

The President declared the bill passed.
On motion of Senator Vogel, title to the bill was agreed to.
Senator Vogel moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HCS for HB 362, with **SCS**, entitled:
An Act to repeal section 610.123, RSMo, and section 577.054 as enacted by house substitute for senate substitute

for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HCS** for **HB 362**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 362

An Act to repeal section 610.123, RSMo, section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840, & 843, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 362** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 362** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

HB 456, with **SCS**, introduced by Representative Kuessner, et al, entitled:

An Act to repeal section 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand juries.

Was called from the Consent Calendar and taken up by Senator Engler.

SCS for **HB 456**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 456An Act to repeal section 540.031, RSMo, and to enact in lieu thereof one new section relating to duties of grand juries.

Was taken up.

Senator Engler moved that **SCS** for **HB 456** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HB 456** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 450, with **SCS**, introduced by Representative Meiners, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to wine.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

SCS for **HB 450**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 450An Act to repeal sections 311.325 and 311.554, RSMo, and to enact in lieu thereof seventeen new sections relating to wine, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **HB 450** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **HB 450** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senator Scott—1

Absent—Senators—None

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields that motion lay on the table, which motion prevailed.

HB 43, introduced by Representative Wallace, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Taylor.

On motion of Senator Taylor, **HB 43** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon

Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.
On motion of Senator Taylor, title to the bill was agreed to.
Senator Taylor moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 53, with **SCS**, introduced by Representatives Swinger and Bean, entitled:
An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Governor John M. Dalton Memorial Highway.
Was called from the Consent Calendar and taken up by Senator Mayer.
SCS for **HB 53**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 53An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of certain highways and bridges.

Was taken up.
Senator Mayer moved that **SCS** for **HB 53** be adopted, which motion prevailed.
On motion of Senator Mayer, **SCS** for **HB 53** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators

Coleman Green Ridgeway—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 155, introduced by Representative Ruestman, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

Was called from the Consent Calendar and taken up by Senator Taylor.

On motion of Senator Taylor, **HB 155** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman Green Ridgeway—3

Vacancies—None

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 243, introduced by Representative May, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HB 243** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	Green	Ridgeway—3
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Vacancies—None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HCS** for **SCS** for **SB 270**; **HCS** for **SCS** for **SB 252**; and **HCS** for **SB 189**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 209**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 189**; **HCS** for **SCS** for **SB 252**; and **HCS** for **SCS** for **SB 270**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

Senator Bartle assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 237**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 237**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, with House Amendment Nos. 1 and 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 237;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 237, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David G. Klindt

/s/ John E. Griesheimer

Luann Ridgeway

/s/ Timothy P. Green

/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Rex Rector

/s/ Ed Emery

/s/ Paul LeVota

/s/ Thomas E. George

/s/ Rodney Schad

Senator Klindt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Clemens	Crowell	Days
Dolan	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Bray	Dougherty—2
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Absent—Senator Champion—1

Absent with leave—Senators

Coleman	Green—2
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Vacancies—None

On motion of Senator Klindt, **CCS** for **HCS** for **SS** for **SCS** for **SB 237**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 237

An Act to repeal sections 227.240, 386.020, 392.200, 392.245, 392.500, 536.024, and 536.037, RSMo, and to enact in lieu thereof eight new sections relating to telecommunications companies, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Clemens	Crowell	Days
Dolan	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Bray	Coleman	Dougherty—3
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Absent—Senator Champion—1

Absent with leave—Senator
Green—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 631**; **HCS** for **HB 448**; **HB 260**; and **HB 40**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SB 189**; **HCS** for **SCS** for **SB 252**; and **HCS** for **SCS** for **SB 270**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 1251, regarding Craig Hesselbein, O'Fallon, which was adopted.

Senator Taylor offered Senate Resolution No. 1252, regarding Jesse Andrew Neil Brackeen, Aurora, which was adopted.

Senator Stouffer offered Senate Resolution No. 1253, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jr. Chapman, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1254, regarding Lindsey Walker, Kearney, which was adopted.

Senator Callahan offered Senate Resolution No. 1255, regarding Battery D, 1st Battalion, 129th Field Artillery of the Missouri National Guard, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1256, regarding the Ninety-third birthday of Joseph Thomas Elrod, Independence, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Ridgeway, Senator Shields introduced to the Senate, representatives from Young Republicans, Smithville.

On behalf of Senators Wilson, Callahan and himself, Senator Wheeler introduced to the Senate, Justeen Graves, Stephanie Battle, Kayla McKinney, Katherine Muro, Charles Williams, Christina Anderson, Jordan Burdick, Samuel Bean, Oniesha Mandley, Lanese Collier, Imuetiyan Eke, Khouri Jackson, Nathaniel Maupins, Cassie Yeckel, Kori Weatherspoon, Shaniqua Flowers, Vincente Williams and Rosa Tarantola, students from Harold Holliday, Sr. Montessori School, Kansas City.

Senator Dolan introduced to the Senate, Dr. Cynthia Orndoff, Columbia.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-THIRD DAY—TUESDAY, MAY 3, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 400
HCS for HB 649
HCS for HB 91

HCS for HBs 500 & 533
HCS for HB 474
HCS for HB 560

THIRD READING OF SENATE BILLS

SJR 19-Ridgeway

SCS for SB 3-Loudon

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS

SB 417-Engler, et al
SB 466-Vogel, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS
(In Fiscal Oversight)
2. HCS for HB 576, with SCA 1 (Nodler)
(In Fiscal Oversight)
3. HCS for HB 461 (Griesheimer)
4. HB 114-Johnson (47) (Wheeler)
(In Fiscal Oversight)
5. HCS for HBs 518, 288, 418 & 635, with
SCS (Dolan) (In Fiscal Oversight)

6. HCS#2 for HB 568 (Nodler)
7. HCS for HB 353, with SCS (Bartle)
(In Fiscal Oversight)
8. HCS for HB 208,
with SCS (Crowell)
9. HCS for HB 276 (Nodler)
10. HCS for HB 64, with SCS (Crowell)
11. HCS for HB 209, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 316-Dolan (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS
(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS
(pending)

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS (pending)

SB 159-Cauthorn

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)

SB 199-Gross

SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott

SB 253-Koster, with SCS

SB 284-Cauthorn and Clemens, with SCS

SB 291-Mayer, et al, with SCS & SS for

SCS (pending)

SB 321-Shields

SB 324-Scott, with SCS

SB 339-Gross, with SCS

SBs 365 & 204-Mayer, et al,
with SCS (pending)
SB 373-Bartle
SB 376-Loudon

SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS for HB 58, with SCS (Griesheimer)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 174 (Taylor)
HCS for HB 186, with SCS (Scott)
HCS for HB 334 (Crowell)
HCS for HB 347, with SCS (Dolan)
HCS for HB 365 (Crowell)

HCS for HB 388 (Loudon)
HCS for HB 437, with SCS (Crowell)
HCS for HB 441, with SCS (Cauthorn)
HCS for HB 468, with SCS (Scott)
HB 487-Bruns and Deeken, with SCS (Dolan)
HB 564-Boykins, et al (Coleman)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)

CONSENT CALENDAR

House Bills

Reported 4/11

HB 479-Ervin (Ridgeway)

Reported 4/12

HB 423-Kuessner, with SCS (Engler)
HB 528-Cunningham (145), with SCS (Clemens)

HB 618-Bearden, et al, with SCS (Dolan)
HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)

HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HCS for HB 297, with SCS (Nodler)
HCS for HB 443, with SCS (Mayer)
HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)
HCS for HB 563 (Shields)

HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HCS#2 for HB 232, with SCS (Ridgeway)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)
HB 229-Portwood, with SCS (Gross)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 237-Klindt, with HCS,
as amended (Senate adopted CCR and
passed CCS)
HB 1-Lager, with SCS (Gross)
HCS for HB 2, with SCS (Gross)
HCS for HB 3, with SCS, as amended (Gross)
HCS for HB 4, with SCS (Gross)
HCS for HB 5, with SCS (Gross)

HCS for HB 6, with SCS (Gross)
HCS for HB 7, with SCS, as amended (Gross)
HCS for HB 8, with SCS, as amended (Gross)
HCS for HB 9, with SCS (Gross)
HCS for HB 10, with SCS, as amended (Gross)
HCS for HB 11, with SCS, as amended (Gross)
HB 12-Lager, with SCS, as amended (Gross)
HB 13-Lager, with SCS (Gross)

Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended (Senate requests House
recede or grant conference)

SCS for SB 246-Days, with HCS (Senate
requests House recede and pass the
bill)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al
HCR 9-Bivins, et al
HCR 15-Baker (123)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
SCR 17-Scott

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY— TUESDAY, MAY 3, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“His compassions fail not. They are new every morning.” (Lamentations 3:23)

Gracious God, by Your grace we have found mercy that reminds us that we are Your children and by Your promise You keep us so that we might know each day is a day for which we ought to be grateful. Help us to remember the uncounted mercies You provide us so that we might be strengthened in our work doing that which is well pleasing to You and may we draw closer to You each day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

CONCURRENT RESOLUTIONS

Senator Stouffer offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, fixing the health care crisis is extremely critical for the citizens of Missouri; and

WHEREAS, changes in the legal, medical, social and economic environments has resulted in a lack of availability or a high cost for medical malpractice coverage for health care providers; and

WHEREAS, the lack of availability and high cost for medical malpractice coverage for health care providers has in turn adversely impacted health care in Missouri; and

WHEREAS, other states have turned to health care stabilization funds as a means of resolving such problems by providing excess medical malpractice coverage to health care providers who participate in the fund; and

WHEREAS, a Missouri Health Care Stabilization Fund would constitute an important step in solving health care problems for Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on a Missouri Health Care Stabilization Fund; and

BE IT FURTHER RESOLVED that the interim committee shall be responsible for:

1. Exploring the establishment of a Missouri Health Care Stabilization Fund to be administered by a health care stabilization board and housed within the Department of Insurance.
2. Investigating the primary objective of assuring health care providers that there will be reasonable medical malpractice liability coverage available within the state of Missouri.
3. Researching the possibility of requiring health care providers to carry primary medical malpractice coverage with another insurer in order to participate in the fund.
4. Investigating the feasibility of the fund paying moneys to an aggrieved party if his or her damages exceed the health care provider's primary level of coverage.
5. Exploring any other ideas as necessary for possible implementation of the fund; and

BE IT FURTHER RESOLVED that the interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the interim committee herein established shall consist of ten members, five of which shall be members of the Senate appointed by the President Pro Tem of the Senate, with at least two members from the minority party; and five shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, with at least two members from the minority party; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the interim committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the interim committee, its members, and any staff assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the interim committee shall expire on December 31, 2005, and on that same date deliver a report of findings and recommendations to the General Assembly.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 210**, entitled:

An Act to repeal sections 34.070, 44.090, 50.530, 50.540, 50.750, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330,

55.160, 56.060, 56.631, 56.640, 56.650, 56.660, 64.215, 64.940, 65.110, 65.160, 65.400, 65.460, 65.490, 65.600, 67.469, 67.1775, 67.1850, 67.1922, 67.1934, 71.140, 89.450, 94.270, 100.050, 100.059, 110.130, 110.150, 115.019, 136.010, 136.160, 137.115, 137.465, 137.585, 137.720, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 140.160, 140.170, 165.071, 190.010, 190.015, 190.090, 205.010, 210.860, 210.861, 233.295, 242.560, 245.205, 250.140, 263.245, 301.025, 321.322, 473.770, 473.771, 488.426, and 545.550, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, are repealed and to enact in lieu thereof ninety-seven new sections relating to political subdivisions.

With House Amendments 1, 4, House Amendment 1 to House Amendment 5, House Amendment 5, as amended, House Amendments 6, 7, 8, 9, House Amendment 1 to House Amendment 10, House Amendment 10, as amended, House Amendments 11, 12, House Amendment 1 to House Amendment 13, House Amendment 13, as amended, House Amendments 14, 15, 16, House Amendment 1 to House Amendment 17, House Amendment 17, as amended, House Amendment 1 to House Amendment 18, House Amendment 18, as amended, House Amendments 19, 20, 21, 22, 23, 24, 25, 26, House Substitute Amendment 1 for House Amendment 27, House Amendments 28, 29 and 30.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 34.070, Page 3, Line 6, by deleting the word “**or**” after the word “**percent**”; and

Further amend said substitute, Section 44.090, Page 3, Line 27, by deleting the word “**an**” before the word “**execution**” and by deleting the word “**are**” before the word “**automatically**”; and

Further amend said Section, Page 4, Line 44, by inserting the word “**a**” before the word “**license**”; and

Further amend said Section and Page, Line 57, by deleting the word “**subsivisions**” and inserting in lieu thereof the word “**subdivisions**”; and

Further amend said substitute, Section 56.640, Page 14, Line 9, by deleting the word “**counselors**” and inserting in lieu thereof the word “**counselor’s**”; and

Further amend said substitute, Section 99.1082, Page 38, Line 80, by deleting the third occurrence of the word “**one**” and inserting in lieu thereof the word “**nine**”; and

Further amend said substitute, Section 99.1086, Page 42, Line 226, by deleting the second occurrence of the word “**redevelopment**” and inserting in lieu thereof the word “**development**”; and

Further amend said substitute, Section 99.1088, Page 43, Line 6, by deleting the words “**subsection 2**” and inserting in lieu thereof the words “**subsections 2 and 3**”; and

Further amend said substitute, Section 137.071, Page 55, Line 18, by deleting the word “**of**” and inserting in lieu thereof the word “**or**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 72, Section 190.010, Lines 3-11, by deleting all of said lines and inserting in lieu thereof the following:

“necessarily implied. **The territory contained within the corporate limits of a proposed ambulance district shall not be required to be contiguous. Any territory which is non-contiguous within a proposed district must be located so that least a portion of the territory lies within five miles of any other portion of the territory contained within the proposed ambulance district. Notwithstanding the provisions of subsection 2 of section**

190.015, an ambulance district may include municipalities or territory not in municipalities or both or territory in one or more counties, except, that the provisions of section 190.001 to 190.090 are not effective in counties having a population of more than four hundred thousand inhabitants at the time the ambulance district is formed. The territory contained within the corporate limits of an existing ambulance district shall not be incorporated in another ambulance district. Ambulance districts created”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Lines 5-6, by striking the following:

“, in which case, the current salary of such officials shall be set as a base salary”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 97, Section 3, Line 7, by inserting after the word “officials”, the following:

“, unless the current salary of such officials, as of August 28, 2005, is lower than the compensation provided under the salary schedules, in which case, the current salary of such officials shall be set as a base salary”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 38, Section 99.1082, Line 85, by deleting the word **"one"** and inserting in lieu thereof the words **"ten thousand"**; and

Further amend said bill, Page 38, Section 99.1082, Line 85, by inserting at the end of said line the following: **"or _____(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine thousand nine hundred and ninety-nine inhabitants"**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Pages 23 - 28, Section 67.1305, Lines 1-183, by deleting all of said lines and inserting in lieu thereof the following:

“67.1305. 1. As used in this section, the term "city" shall mean any incorporated city, town, or village.

2. In lieu of the sales taxes authorized under sections 67.1300 and 67.1303. The governing body of any city or county may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo. The tax authorized in this section shall not be more than one-half of one percent. The order or ordinance imposing the tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at any citywide, county or state general, primary or special election a proposal to authorize the governing body to impose a tax under this section. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The tax authorized in this section shall not be imposed by any city or county that has imposed a tax under section 67.1300 or 67.1303 unless the tax imposed under those sections has expired or been repealed.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a sales tax at a rate of (insert rate of percent) percent for economic development purposes?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question

is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question, provided that no proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last proposal.

4. All sales taxes collected by the director of revenue under this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Option Economic Development Sales Tax Trust Fund".

5. The moneys in the local option economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each city or county imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the city or county and the public.

6. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local option economic development sales tax trust fund shall be in accordance with this section.

7. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties.

8. If any county or municipality abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

10. (1) No revenue generated by the tax authorized in this section shall be used for any retail development project, except for the redevelopment of downtown areas and historic districts. Not more than twenty-five percent of the revenue generated shall be used annually for administrative purposes, including staff and facility costs.

(2) At least twenty percent of the revenue generated by the tax authorized in this section shall be used solely for projects directly related to long-term economic development preparation, including, but not limited to, the following:

- (a) Acquisition of land;
- (b) Installation of infrastructure for industrial or business parks;
- (c) Improvement of water and wastewater treatment capacity;
- (d) Extension of streets;
- (e) Public facilities directly related to economic development and job creation; and
- (f) Providing matching dollars for state or federal grants relating to such long-term projects.

(3) The remaining revenue generated by the tax authorized in this section may be used for, but shall not be limited to, the following:

- (a) Marketing;
- (b) Providing grants and loans to companies for job training, equipment acquisition, site development, and infrastructures;
- (c) Training programs to prepare workers for advanced technologies and high skill jobs;

(d) Legal and accounting expenses directly associated with the economic development planning and preparation process; and,

(e) Developing value-added and export opportunities for Missouri agricultural products.

11. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

12. Any city or county imposing the tax authorized in this section shall establish an economic development tax board. The volunteer board shall receive no compensation or operating budget.

(1) The economic development tax board established by a city and shall consist of five members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such member shall be appointed in any manner agreed upon by the affected districts;

(b) Three members shall be appointed by the chief elected officer of the city with the consent of the majority of the governing body of the city; and,

(c) One member shall be appointed by the governing body of the county in which the city is located.

(2) The economic development tax board established by a county shall consist of seven members, to be appointed as follows:

(a) One member shall be appointed by the school districts included within any economic development plan or area funded by the sales tax authorized in this section. Such members shall be appointed in any manner agreed upon by the affected districts;

(b) Four members shall be appointed by the governing body of the county; and

(c) Two members from the cities, towns, or villages within the county appointed in any manner agreed upon by the chief elected officers of the cities or villages.

Of the members initially appointed, three shall be designated to serve for terms of two years, and the remaining members shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

13. The board, subject to approval of the governing body of the city or county, shall consider economic development plans, economic development projects, or designations of an economic development area, and shall hold public hearings and provide notice of any such hearings. The board shall vote on all proposed economic development plans, economic development projects, or designations of an economic development area, and amendments thereto, within thirty days following completion of the hearing on any such plan, project, or designation, and shall make recommendations to the governing body within ninety days of the hearing concerning the adoption of or amendment to economic development plans, economic development projects, or designations of an economic development area. The governing body of the city or county shall have the final determination on use and expenditure of any funds received from the tax imposed under this section.

14. The board may consider and recommend using funds received from the tax imposed under this section for plans, projects or area designations outside the boundaries of the city or county imposing the tax if, and only if:

(1) The city or county imposing the tax or the state receives significant economic benefit from the plan, project or area designation; and

(2) The board establishes an agreement with the governing bodies of all cities and counties in which the plan, project or area designation is located detailing the authority and responsibilities of each governing body with regard to the plan, project or area designation.

15. Notwithstanding any other provision of law to the contrary, the local option economic development sales tax imposed under this section when imposed within a special taxing district, including, but not limited to a tax increment financing district, neighborhood improvement district, or community improvement district, shall be

excluded from the calculation of revenues available to such districts, and no revenues from any sales tax imposed under this section shall be used for the purposes of any such district unless recommended by the economic development tax board established under this section and approved by the governing body imposing the tax.

16. The board and the governing body of the city or county imposing the tax shall report at least annually to the governing body of the city or county on the use of the funds provided under this section and on the progress of any plan, project, or designation adopted under this section and shall make such report available to the public.

17. Not later than the first day of March each year the department of economic development shall submit to the joint committee on economic development a report which must include the following information for each project using the tax authorized under this section:

- (1) A statement of its primary economic development goals;
- (2) A statement of the total economic development sales tax revenues received during the immediately preceding calendar year; and
- (3) A statement of total expenditures during the preceding calendar year in each of the following categories:
 - (a) Infrastructure improvements;
 - (b) Land and or buildings;
 - (c) Machinery and equipment;
 - (d) Job training investments;
 - (e) Direct business incentives;
 - (f) Marketing;
 - (g) Administration and legal expenses; and
 - (h) Other expenditures.

18. The governing body of any city or county that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city or county. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city or county) repeal the sales tax imposed at a rate of (insert rate of percent) percent for economic development purposes?

[] YES [] NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city or county, and the repeal is approved by a majority of the qualified voters voting on the question.

19. If any provision of this section or section 67.1303 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this section or section 67.1303 which can be given effect without the invalid provision or application, and to this end the provisions of this section and section 67.1303 are declared severable.”.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 545.550, Page 96, Line 13, by inserting after all of said line the following:

“573.505. 1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than [ten] five percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city or county of (city's or county's name) impose a sales tax upon adult cabarets of (Insert amount) for a period not to exceed (Insert number) years for the purpose of investigating the background of the employees of such businesses **and for the general law enforcement use of the sheriff's office with existing revenues to be used for either purpose?**

☐? YES ☐? NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used by the city or county [solely] for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county **and for the general law enforcement use of the sheriff's office**. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "City and County Background Check Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

8. As used in this section, the term "city" means any city not within a county.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 36, Section 94.270, Line 59, by deleting “**2 to**” and inserting in lieu thereof “**4 and**”; and

Further amend said Section and Page, Lines 62-63, by deleting said lines and inserting in lieu thereof the following:

“7. Any city under subsections 1, 2 and 3 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

(a) One-eighth of one percent of such hotels’ or motels’ gross revenue; or

(b) The business license tax rate for such hotel or motel on May 1, 2005.

8. The provisions of subsection 7 shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.

9. The provisions of subsections 4, 5, 6, and 7 of this section shall become effective on January 1, 2006.

10. Notwithstanding any other provision of law to the contrary, any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated within the city, which tax shall be not more than five percent of the charges paid for such sleeping rooms, in lieu of any license tax currently imposed on hotels and public boarding houses under section 94.270, RSMo. The governing body of such city shall expend all revenues derived from the tax imposed under this section to promote tourism and to defray the operational and maintenance expenses of any recreational or sporting facilities constructed in the city prior to August 28, 2005. The Mayor, with the consent of the governing body, shall appoint an advisory board to assist the city in ensuring that the revenues derived from the tax imposed under this section are allocated and expended in a manner consistent with the provisions of this section. The advisory board shall consist of two members representing the hotel and motel industry, two members representing the local, general business community, and two members of the governing body.”; and

Further amend said substitute, Section 94.270, Page 36, Line 63, by inserting after all of said line the following:

“94.834. 1. The governing body of any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants, the governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, the governing body of any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants, and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES ☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or

motel for thirty-one days or less during any calendar quarter.”; and
Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 10

Amend House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Line 3, by inserting after all of said line the following:

“66.411. No county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants shall dissolve, eliminate, merge, or terminate a municipal fire department of any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants, until it has been submitted to an election of the voters residing within the home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants, and assented to by a majority vote of the voters of the city voting on the question.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 301.025, Page 88, Line 177, by inserting after all of said line the following:

“321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district?

☐? YES ☐? NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.)

FOR BOARD OF DIRECTORS

..... ☐? ☐? ☐?

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified, **provided however, in any county with a charter form**

of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the (Insert name of district) Fire Protection District be increased to five members?

☐? YES ☐? NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of four years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified, **provided however, in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified.**

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.

321.190. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two in any calendar month, except that in a county of the first class having a charter form of government, he shall not be paid for attending more than four in any calendar month. **However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week.** In addition, the chairman of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his actual expenditures in the performance of his duties on behalf of the district. The secretary and the treasurer, if members of the board of directors, may each receive such additional compensation for the performance of their respective duties as secretary and treasurer as the board shall deem reasonable and necessary, not to exceed one thousand dollars per year. The circuit court having jurisdiction over the district shall have power to remove directors or any of them for good cause shown upon a petition, notice and hearing.”; and

Further amend said substitute, Page 91, Section 321.322, Line 62, by inserting after said line the following:

“321.603. In addition to the compensation provided pursuant to section 321.190 for fire protection districts located in a county of the first classification with a charter form of government, each member of any such fire protection district board may receive an attendance fee not to exceed one hundred dollars for attending a board meeting

conducted pursuant to chapter 610, RSMo, but such board member shall not be paid for attending more than four such meetings in any calendar month. **However, no board member shall be paid more than one attendance fee if such member attends more than one meeting conducted under chapter 610, RSMo, in a calendar week.**”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 88, Section 301.025, Line 177 by inserting after said line the following:

“321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least [two years] **one year** before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than [two years] **one year** before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 73, Section 190.015, Line 20, by deleting the words “**may choose to**” and inserting in lieu thereof the following:

“**with boundaries congruent with each participating fire protection district’s existing boundaries provided no ambulance district already exists in whole or part of any district being proposed and the dominant provider of ambulance services within the proposed district as of September 1, 2005, discontinues ambulance services, and the board of each participating district, by a majority vote, approves the formation of such a district and participating fire protection districts are contiguous. Upon approval by the fire protection district boards, subsection 1 of this section shall be followed for formation of the ambulance district. Services provided by a district under this subsection shall only include emergency ambulance services as defined in section 321.225, RSMo.**”; and

Further amend said Section and Page, Lines 21-23, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 13

Amend House Amendment No. 13 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Line 14, by inserting after all of said line the following:

“**4. Notwithstanding the provisions of subsection 3 of this section to the contrary, any county of the third classification with a township form of government and with more than twenty-nine thousand seven hundred but fewer than twenty-nine thousand eight hundred inhabitants shall retain the position of township collector which shall be governed by the township collector law as it existed on August 27, 2005, unless by a majority vote of the qualified voters in the county the position of township collector is converted to the position of collector-treasurer. The question of converting the position of township collector to the position of collector-treasurer in such county may be put to a vote in the county either upon a majority vote of the county commission or upon**

submission of a petition signed by at least five percent of the registered voters of the county presented to the county commission. If the question is put to a vote and passes by a majority of the voters voting in such election, such county shall convert the position of township collector to the position of collector-treasurer.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 70, Section 140.150, Line 4, by deleting the opening and closing brackets; and

Further amend said Section and Page, Lines 4-6, by deleting the following:

“on a day in August, such date to be specified by the county collector no later than July fifteenth in the year in which the sale is to be held”; and

Further amend said substitute, Pages 71-72, Section 140.170, Lines 1-39, by deleting said section from the substitute; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 4, Page 99, Line 60, by inserting after all of said line the following:

“Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey all interest in fee simple absolute in property owned by the state in Jasper County. The property to be conveyed is more particularly described as follows:

All of Lots Numbered Ninety-seven (97) and Ninety-eight (98) in Byer’s and Murphy’s Addition to Murphysburg, now a part of the City of Joplin, Jasper County, Missouri.

All of Lots 131 and 132 in Byers and Murphy’s Addition to the town of Murphysburg in the City of Joplin, Jasper County, Missouri, situated in the Northeast Quarter (N. E. 1/4) of the Northeast Quarter (N.E. 1/4) of Section Ten (S.10) Township Twenty-seven (Twp. 27), and Range Thirty-three (R. 33).

All of Lots Numbered Ninety-Nine (99) and One Hundred (100) in Byers and Murphy’s Addition to the Town of Murphysburg, now a part of the City of Joplin, Jasper County, Missouri.

This property is used by the Division of Workforce Development as a career center.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of sale.

3. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 137.720, Page 64, Line 22, by inserting immediately after the word “**expenses**” the following:

“identified in a memorandum of understanding signed by the county’s governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund”, and;

Further amend said page, Line 23, by removing the brackets “[]” around the word “unanimously”, and;

Further amend said page, Line 24 by removing the words “**at least two of the following:**”, and;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 8, Section 50.1031, Line 2, by deleting all of said line and inserting in lieu thereof the following:

“of assets to the actuarial accrued liability equaling at least eighty percent. No benefit adjustment shall be adopted which causes the funded ratio to fall more than five percent.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 17

Amend House Amendment No. 17 to House Committee Substitute for Senate Substitute for Senate Committee

Substitute for Senate Bill No. 210, Page 11, Line 17, by inserting after the number “**137.078,**” the following:

“**the property of rural electric cooperatives pursuant to chapter 394, RSMo,**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 55, Section 137.071, Line 24 by inserting after all of said line the following:

“Section A. Section 137.078, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 137.078, 137.079, and 137.122, to read as follows:

137.078. 1. For purposes of this section, the following terms shall mean:

(1) “Analog equipment”, all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows [and], **radio programs, or** commercials through the use of analog technology, **including studio broadcast equipment, transmitter and antenna equipment, and broadcast towers;**

(2) “Applicable analog fraction”, a fraction, the numerator of which is the total number of analog television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable analog fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(3) “Applicable analog percentage”, the following percentages for the following years:

Year	2004	2005	2006	2007
of Acquisition Tax	Year	Tax	Year	Tax
	Year	Tax	Year	Tax
				1%

2006	1%
------	----

2005	25%	1%
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2004	50%	25%	1%
------	-----	-----	----

2003	75%	50%	25%	1%
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2002	75%	50%	25%	1%
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2001	75%	50%	25%	1%
------	-----	-----	-----	----

2000	75%	50%	25%	1%
------	-----	-----	-----	----

1999	75%	50%	25%	1%
------	-----	-----	-----	----

1998	75%	50%	25%	1%
------	-----	-----	-----	----

Prior	75%	50%	25%	1%;
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(4) “Applicable digital fraction”, a fraction, the numerator of which is the total number of digital television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable digital fraction will be determined on an annual basis by the Missouri Broadcasters Association;

(5) “**Broadcast towers**”, **structures with a function that includes holding television or radio broadcasters' antennae, repeaters, or translators at the height required or needed to transmit over-the-air signals or enhance the transmission of the signals. This term also includes the structures at least partially used by television broadcasters or radio broadcasters to provide weather radar information to the public. For property tax assessment purposes, broadcast towers are classified as tangible personal property;**

(6) “Digital equipment”, all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows [and], **radio programs, or** commercials through the use of digital technology, **including studio broadcast equipment, transmitter and antenna equipment, and broadcast towers;**

(7) “**Radio broadcasters**”, **all businesses that own, lease, or operate radio broadcasting stations that transmit radio shows and commercials and that are required to be licensed by the Federal Communications Commission to provide such services;**

(8) “**Radio broadcasting equipment**”, **both analog equipment and digital equipment;**

[(6)] (9) “Television broadcasters”, all businesses that own, lease, or operate television broadcasting stations that transmit television shows and commercials and that are required to be licensed by the Federal Communications Commission to provide such services;

[(7)] (10) “Television broadcasting equipment”, both analog equipment and digital equipment;

(11) “Transmitter and antenna equipment”, equipment with functions that include transmitting signals from broadcast studios by increasing the power, tuning signals to the frequency allowed by regulatory authorities, and broadcasting signals to the public for television broadcasters or radio broadcasters;

(12) “Studio broadcast equipment”, studio equipment that receives, produces, modifies, controls, measures, modulates, adds to or subtracts from, or enhances signals in the process that results in over-the-air signals for television broadcasters or radio broadcasters.

2. In response to recent action by the Federal Communications Commission, as described by the commission in the fifth report and order, docket number 97-116, for purposes of assessing all items of television broadcasting equipment that are owned and used by television broadcasters for purposes of broadcasting television shows and commercials:

(1) The true value in money of all analog equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (1) of subsection 3 of this section and multiplying the results by the applicable analog percentage. The result of the second computation is multiplied by the applicable analog fraction to determine the true value in money of the analog equipment; and

(2) The true value in money of all digital equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (2) of subsection 3 of this section and multiplying the results by the applicable digital fraction to determine the true value in money of the digital equipment.

3. For purposes of subsection 2 of this section, the depreciation tables for determining the [fair] **true** value in money of television broadcasting equipment are as follows:

(1) For analog equipment, the following depreciation tables will apply for the following years:

Year	2004	2005	2006	2007
of Acquisition	Tax	Year	Tax	Year
2006	65%			
2005	65%	45%		
2004	65%	45%	30%	
2003	65%	45%	30%	20%
2002	45%	30%	20%	10%
2001	30%	20%	10%	5%
2000	20%	10%	5%	5%
1999	10%	5%	5%	5%
1998	5%	5%	5%	5%
Prior	5%	5%	5%	5%;

(2) For digital equipment, the following depreciation tables will apply for the following years:

Year	2004	2005	2006	2007
of Acquisition	Tax	Year	Tax	Year
2006			65%	
2005	65%	45%		
2004	65%	45%	30%	
2003	65%	45%	30%	20%
2002	45%	30%	20%	10%
2001	30%	20%	10%	5%
2000	20%	10%	5%	5%
1999	10%	5%	5%	5%
1998	5%	5%	5%	5%

Prior 5% 5% 5% 5%.

4. Beginning January 1, 2008, for purposes of assessing all items of television broadcasting equipment that are owned and used by television broadcasters for purposes of broadcasting television shows and commercials, the following depreciation tables will be used to determine their true value in money. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year Studio Broadcast Transmitter Broadcast Tower

Equipment and Antenna

Equipment

1	65% 91%	96%
2	45% 82%	93%
3	30% 73%	89%
4	20% 64%	86%
5	10% 55%	82%
6	5% 46%	79%
7	37% 75%	
8	28%	72%
9	19%	68%
10	10%	65%
11		61%
12		58%
13		54%
14		51%
15		47%
16		44%
17		40%
19		33%
20		30%
21		27%
22		24%
23		21%
24		18%
25		15%.

Television broadcasting equipment in all recovery periods shall continue in subsequent years to have the depreciation percentage last listed in the appropriate column so long as it is owned or held by the taxpayer.

5. Effective January 1, 2006, for purposes of assessing all items of radio broadcasting equipment that are owned and used by radio broadcasters for purposes of broadcasting radio programs and commercials, the following depreciation tables will be used to determine their true value in money. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year Studio Broadcast Transmitter Broadcast Tower

Equipment and Antenna

Equipment

1	65% 91%	96%
2	45% 82%	93%
3	30% 73%	89%
4	20% 64%	86%

5	10% 55%	82%
6	5% 46%	79%
7	37%	75%
8	28%	72%
9	19%	68%
10	10%	65%
11	61%	
12		58%
13		54%
14		51%
15		47%
16		44%
17		40%
19		33%
20		30%
21		27%
22		24%
23		21%
24		18%
25		15%.

Radio broadcast equipment in all recovery periods shall continue in subsequent years to have the depreciation percentage last listed in the appropriate column so long as it is owned or held by the taxpayer.

137.079. Prior to setting its rates or rates as required by section 137.073, each taxing authority shall exclude from its total assessed valuation seventy-two percent of the total amount of assessed value of business personal property that is subject to an appeal at the state tax commission or in a court of competent jurisdiction in this state. This exclusion shall only apply to the portion of the assessed value of business personal property that is disputed in the appeal, and shall not exclude any portion of the same property that is not disputed. If the taxing authority uses a multi-rate approach as provided in section 137.073, this exclusion shall be made from the personal property class. The state tax commission shall provide each taxing authority with the total assessed value of business personal property within the jurisdiction of such taxing authority for which an appeal is pending no later than August 20 of each year. Whenever any appeal is resolved, whether by final adjudication or settlement, and the result of the appeal causes money to be paid to the taxing authority, the taxing authority shall not be required to make an additional adjustment to its rate or rates due to such payment once the deadline for setting its rates, as provided by this chapter, has passed in a taxable year, but shall adjust its rate or rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year. For the purposes of this section, the term “business personal property”, means tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property subject to the tables provided in section 137.078, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to 137.1030.”; and Further amend said bill, Section 137.122, Pages 59 to 62, Lines 1 to 94 by deleting all of said lines and inserting in lieu thereof the following:

“137.122. 1. As used in this section, the following terms mean:

(1) “Business personal property”, tangible personal property which is used in a trade or business or used for production of income and which has a determinable life of longer than one year except that supplies used by a business shall also be considered business personal property, but shall not include livestock, farm machinery, grain and other agricultural crops in an unmanufactured condition, property subject to the motor vehicle registration provisions of chapter 301, RSMo, property assessed under section 137.078, or property assessed by the state tax commission under chapters 151, 153, and 155, RSMo, section 137.022, and sections 137.1000 to

137.1030;

(2) “Class life”, the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors under the Internal Revenue Code as amended;

(3) “Economic or functional obsolescence”, a loss in value of personal property above and beyond physical deterioration and age of the property. Such loss may be the result of economic or functional obsolescence or both;

(4) “Original cost”, the price the current owner, the taxpayer, paid for the item without freight, installation, or sales or use tax. In the case of acquisition of items of personal property as part of an acquisition of an entity, the original cost shall be the historical cost of those assets remaining in place and in use and the placed in service date shall be the date of acquisition by the entity being acquired;

(5) “Placed in service”, property is placed in service when it is ready and available for a specific use, whether in a business activity, an income-producing activity, a tax-exempt activity, or a personal activity. Even if the property is not being used, the property is in service when it is ready and available for its specific use;

(6) “Recovery period”, the period over which the original cost of depreciable tangible personal property shall be depreciated for property tax purposes and shall be the same as the recovery period allowed for such property under the Internal Revenue Code.

2. To establish uniformity in the assessment of depreciable tangible personal property, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of such property subject to taxation under this chapter.

3. For purposes of this section, and to estimate the value of depreciable tangible personal property for mass appraisal purposes, each assessor shall value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the following depreciation schedule. The percentage shown for the first year shall be the percentage of the original cost used for January first of the year following the year of acquisition of the property, and the percentage shown for each succeeding year shall be the percentage of the original cost used for January first of the respective succeeding year as follows:

Year	Recovery Period in Years						
	3	5	7	10	15	20	
1	75.00	85.00	89.29	92.50	95.00	96.25	
2	37.50	59.50	70.16	78.62	85.50	89.03	
3	12.50	41.65	55.13	66.83	76.95	82.35	
4	5.00	24.99	42.88	56.81	69.25	76.18	
5	10.00	30.63	48.07	62.32	70.46		
6	18.38	39.33	56.09	65.18			
7	10.00	30.59	50.19	60.29			
8	21.85	44.29	55.77				
9	15.00	38.38	51.31				
10	32.48	46.85					
11	26.57	42.38					
12	20.67	37.92					
13	15.00	33.46					
14	29.00						
15	24.54						
16	20.08						
17	20.00						

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this

methodology, if any, that are warranted.

4. Such estimate of value determined under this section shall be presumed to be correct for the purpose of determining the true value in money of the depreciable tangible personal property, but such estimation may be disproved by substantial and persuasive evidence of the true value in money under any method determined by the state tax commission to be correct, including, but not limited to, an appraisal of the tangible personal property specifically utilizing generally accepted appraisal techniques, and contained in a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of economic or functional obsolescence or evidence of excessive physical deterioration. For purposes of appeal of the provisions of this section, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

5. This section shall not apply to business personal property placed in service before January 2, 2006.”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 18

Amend House Amendment No. 18 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 1, Line 2 by striking “by deleting said section” and inserting in lieu thereof the following:

“Line 1, by inserting “1.” after “52.317.”; and

Further amend said Section and Page, Lines 2-3, by deleting the words “**excluding capital improvements and equipment purchases**”; and

Further amend said House Amendment, Lines 4-8, by deleting said lines and inserting in lieu thereof the following:

“Further amend said Section and Page, Line 16, by inserting after all of said lines the following:

“2. For one-time expenditures directly attributable to any department, office, institution, commission, or county court the county commission may budget such expenses in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 9, Section 52.317 by deleting said section; and

Further amend said bill, Page 99, Section 4, Line 60 by inserting after said line the following:

“Section 5. For one-time expenditures directly attributable to any department, office, institution, commission, or county court the county commission may budget such expenses in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 11, Section 54.320, Line 32, by inserting after the word “percent” the following:

“for the first four million dollars, two and one-half percent on four million and one dollars to seven million dollars, two percent on seven million and one dollars to ten million dollars, one and one-half percent on ten million and one dollars to thirteen million dollars, one percent on thirteen million and one dollars to seventeen million dollars, and three-fourths of one percent on seventeen million and one dollars and over,”.

HOUSE AMENDMENT NO. 20

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 14, Section 56.631, Line 3, by inserting before the word “may” the following:

“, except for any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants,”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 11, Section 54.320, Line 39, by deleting the word “may” and inserting in lieu thereof the word “shall”; and further amend said bill, Page 12, Section 54.320, Line 73, by inserting at the end of said bill the following:

“4. For the performance of duties provided for in section 54.280 and this section, the collector-treasurer in each county having a township organization shall receive additional compensation in an annual sum of five thousand dollars, to be paid from the county treasury in twelve equal monthly installments. Notwithstanding any other provisions of the law to the contrary, the compensation authorized in this subsection shall be in addition to all other compensation provided by law.”

HOUSE AMENDMENT NO. 22

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 44.090, Page 4, Line 59, by inserting after all of said line the following:

“50.333. 1. There shall be a salary commission in every nonchartered county.

2. The clerk **or court administrator** of the circuit court of the judicial circuit in which such county is located shall set a date, time and place for the salary commission meeting and serve as temporary chairman of the salary commission until the members of the commission elect a chairman from their number. Upon written request of a majority of the salary commission members the clerk **or court administrator** of the circuit court shall forthwith set the earliest date possible for a meeting of the salary commission. The circuit clerk **or court administrator** shall give notice of the time and place of any meeting of the salary commission. Such notice shall be published in a newspaper of general circulation in such county at least five days prior to such meeting. Such notice shall contain a general description of the business to be discussed at such meeting.

3. The members of the salary commission shall be:

- (1) The recorder of deeds if the recorder's office is separate from that of the circuit clerk;
- (2) The county clerk;
- (3) The prosecuting attorney;
- (4) The sheriff;
- (5) The county commissioners;
- (6) The collector or treasurer ex officio collector;
- (7) The treasurer or treasurer ex officio collector;
- (8) The assessor;
- (9) The auditor;
- (10) The public administrator; and
- (11) The coroner.

Members of the salary commission shall receive no additional compensation for their services as members of the salary commission. A majority of members shall constitute a quorum.

4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings of a county salary commission shall be open meetings and all votes taken at such meetings shall be open records. Any vote taken at any meeting of the salary commission shall be taken by recorded yeas and nays.

5. In every county, the salary commission shall meet at least once before November thirtieth of each odd-numbered year. The salary commission may meet as many times as it deems necessary and may meet after November thirtieth and prior to December fifteenth of any odd-numbered year if the commission has met at least once prior to November thirtieth of that year. At any meeting of the salary commission, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep the minutes of the meeting.

6. For purposes of this section, the 1988 base compensation is the compensation paid on September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to the presiding commissioner or the sheriff, whichever is greater, of that county for the year beginning January 1, 1988. Such increase shall be expressed as a

percentage of the difference between the maximum allowable compensation and the compensation paid on September 1, 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall determine the compensation to be paid to every county officer holding office on January 1, 1988. The salary commission shall establish the compensation for each office at an amount not greater than that set by law as the maximum compensation. If the salary commission votes to increase compensation, but not to pay the maximum amount authorized by law for any officer or office, then the increase in compensation shall be the same percentage increase for all officers and offices and shall be expressed as a percentage of the difference between the maximum allowable compensation and the compensation being received at the time of the vote. If two-thirds of the members of the salary commission vote to decrease the compensation being received at the time of the vote below that compensation, all officers shall receive the same percentage decrease. The commission may vote not to increase or decrease the compensation and that compensation shall continue to be the salary of such offices and officers during the subsequent term of office.

7. For the year 1989 and every second year thereafter, the salary commission shall meet in every county as many times as it deems necessary on or prior to November thirtieth of any such year for the purpose of determining the amount of compensation to be paid to county officials. For each year in which the commission meets, the members shall elect a chairman from their number. The county clerk shall present a report on the financial condition of the county to the commission once the chairman is elected, and shall keep minutes of the meeting. The salary commission shall then consider the compensation to be paid for the next term of office for each county officer to be elected at their next general election. If the commission votes not to increase or decrease the compensation, the salary being paid during the term in which the vote was taken shall continue as the salary of such offices and officers during the subsequent term of office. If the salary commission votes to increase the compensation, all officers or offices whose compensation is being considered by the commission at that time, shall receive the same percentage of the maximum allowable compensation. However, for any county in which all offices' and officers' salaries have been set at one hundred percent of the maximum allowable compensation, the commission may vote to increase the compensation of all offices except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary commission without regard to any law or maximum limitation established by law. Such increase shall be expressed as a percentage of the compensation being paid during the term of office when the vote is taken, and each officer or office whose compensation is being established by the salary commission at that time shall receive the same percentage increase over the compensation being paid for that office during the term when the vote is taken. This increase shall be in addition to any increase mandated by an official's salary schedule because of changes in assessed valuation during the current term. If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease.

8. The salary commission shall issue, not later than December fifteenth of any year in which it meets, a report of compensation to be paid to each officer and the compensation so set shall be paid beginning with the start of the subsequent term of office of each officer. The report of compensation shall be certified to the clerk of the county commission for the county and shall be in substantially the following form:

The salary commission for County hereby certifies that it has met pursuant to law to establish compensation for county officers to be paid to such officers during the next term of office for the officers affected. The salary commission reports that there shall be (no increase in compensation) (an increase of percent) (a decrease of percent) (county officer's salaries set at percent of the maximum allowable compensation). Salaries shall be adjusted each year on the official's year of incumbency for any change in the last completed assessment that would affect the maximum allowable compensation for that office.

9. For the meeting in 1989 and every meeting thereafter, in the event a salary commission in any county fails, neglects or refuses to meet as provided in this section, or in the event a majority of the salary commission is unable to reach an agreement and so reports or fails to certify a salary report to the clerk of the county commission by December fifteenth of any year in which a report is required to be certified by this section, then the compensation being paid to each affected office or officer on such date shall continue to be the compensation paid to the affected office or officer during the succeeding term of office.

10. Other provisions of law notwithstanding, in every instance where an officer or employee of any county is paid a mileage allowance or reimbursement, the county commission shall allow or reimburse such officers or employees out

of the county treasury at the highest rate paid to any county officer for each mile actually and necessarily traveled in the performance of their official duties. The county commission of any county may elect to pay a mileage allowance for any county commissioner for travel going to and returning from the place of holding commission meetings and for all other necessary travel on official county business in the personal motor vehicle of the commissioner presenting the claim. The governing body of any county of the first classification not having a charter form of government may provide by order for the payment of mileage expenses of elected and appointed county officials by payment of a certain amount monthly which would reflect the average monthly mileage expenses of such officer based on the amount allowed pursuant to state law for the payment of mileage for state employees. Any order entered for such purpose shall not be construed as salary, wages or other compensation for services rendered.

11. The term "maximum allowable compensation" as used in this section means the highest compensation which may be paid to the specified officer or office in the particular county based on the salary schedule established by law for the specified officer or office. If the salary commission at its meeting in 1987 voted for one hundred percent of the maximum allowable compensation and does not change such vote at its meeting held within thirty days after May 13, 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on the basis of the total allowable compensation permitted after May 13, 1988.

12. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, and if the adjustment of compensation is authorized, the percentage increase shall be the same for all county officers, not to exceed the percentage increase given to the other county employees. The compensation for all county officers may be set as a group, although the change in compensation will not become effective until the next term of office for each officer.

13. At the salary commission meeting in 1997 which establishes the salaries for those officers to be elected at the general election in 1998, the salary commission of each noncharter county may provide salary increases for associate county commissioners elected in 1996. This one-time increase is necessitated by the change from two- to four-year terms for associate commissioners pursuant to house bill 256, passed by the first regular session of the eighty-eighth general assembly in 1995."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 4, Page 99, Line 60, by inserting after all of said line the following:

"Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state in Cole County. The property to be conveyed is more particularly described as follows:

Part of Inlot No. 566, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning on the southerly line of said Inlot, at a point 35 feet easterly from the southwesterly corner thereof; thence easterly along the said southerly line, 32 feet; thence northerly parallel with Mulberry Street, 86 feet; thence westerly parallel with the southerly line of said Inlot, 32 feet; thence southerly parallel with Mulberry Street, 86 feet, to the point of beginning.

ALSO: Part of Inlots Nos. 566 and 567, in the City of Jefferson, Missouri, more particularly described as follows:

From the southwesterly corner of said Inlot No. 566; thence easterly along the southerly line thereof, 67 feet, to the southeasterly corner of a tract conveyed to Joseph R. Kroeger and wife, by deed of record in Book 172, page 693, Cole County Recorder's Office, and the beginning point of this description; thence northerly along the easterly line of the said Kroeger tract, 86 feet, to the northeasterly corner thereof; thence easterly parallel with the southerly line of Inlots Nos. 566 and 567, 51 feet; thence southerly parallel with the easterly line of the said Kroeger tract, 86 feet, to the southerly line of Inlot No. 567; thence westerly along the southerly line of Inlots Nos. 567 and 566, 51 feet, to the beginning point of this description.

40 feet off of the easterly side of Inlot No. 565 in the City of Jefferson, Missouri, and more

particularly described as follows:

Beginning at the northeasterly corner of said Inlot 565 on McCarty Street, thence running westerly along McCarty Street 40 feet; thence southerly parallel with Mulberry Street 198 feet 9 inches to the Public Alley; thence easterly along said alley 40 feet; thence northerly along the line between Inlots Nos. 565 and 566, 198 feet 9 inches to the point of beginning.

Part of Inlot 566 in the City of Jefferson, Missouri, described as follows:

Beginning at the northwesterly corner of said inlot; thence easterly along McCarty Street, 35 feet; thence southerly parallel with Mulberry Street, 198 feet 9 inches; thence westerly along alley, 35 feet; thence northerly parallel with Mulberry Street, 198 feet 9 inches to beginning.

The southwesterly part of Inlot No. 565, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the southwesterly corner of said Inlot No. 565; thence northerly with the westerly line thereof, 45 feet; thence easterly parallel with the southerly line thereof, 64 feet 4 1/2 inches; thence southerly parallel with the westerly line, 45 feet, to the southerly line thereof; thence westerly with the southerly line, 64 feet 4 1/2 inches, to the point of beginning.

Part of Inlot No. 565, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at a point on the westerly line of said Inlot, which said point is 45 feet northerly from the southwesterly corner thereof; thence easterly parallel with McCarty Street, 64 feet 4-1/2 inches; thence northerly parallel with Mulberry Street, 36 feet 10-1/2 inches; thence westerly parallel with McCarty Street; 64 feet 4-1/2 inches, to the westerly line of said Inlot; thence southerly along the westerly line of said Inlot, 36 feet 10-1/2 inches, to the point of beginning.

The northeasterly part of Inlot No. 566, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the northeasterly corner of said Inlot No. 566; thence westerly along the northerly line thereof, 37 feet 4 inches; thence southerly parallel with the easterly line of said Inlot, 112 feet 9 inches; thence easterly parallel with the southerly line of said Inlot No. 566, 37 feet 4 inches, to the easterly line of said Inlot; thence northerly along said easterly line, 112 feet 9 inches, to the point of beginning.

Also

Part of the westerly half of Inlot No. 567, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the northwesterly corner of said Inlot No. 567; thence easterly along the northerly line thereof, 52 feet 2-1/4 inches; thence southerly parallel with the westerly line of said Inlot, 198 feet 9 inches, to the southerly line thereof; thence westerly along the said southerly line, 38 feet 6-1/4 inches, more or less, to the southeasterly corner of a tract conveyed to Joseph L. Kroeger and wife, by deed of record in Book 200, page 33, Cole County Recorder's Office; thence northerly along the easterly line thereof, 86 feet, to the northeasterly corner of said tract; thence westerly along the northerly line thereof, 13 feet 8 inches, more or less, to the westerly line of said Inlot No. 567; thence northerly along the said westerly line, 112 feet 9 inches, to the point of beginning.

Part of Inlot 566 in the City of Jefferson, Missouri, described as follows:

Beginning on the northerly line of said Inlot at a point which is 35 feet easterly of the northwest corner thereof, thence easterly along said northerly line 32 feet; thence southerly parallel with Mulberry Street 112 feet 9 inches; thence westerly parallel with the northerly line of said Inlot 32 feet; thence northerly 112 feet 9 inches to point of beginning.

Part of Inlot No. 567, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning on the northerly line of said Inlot No. 567, a distance of 12 feet 2 1/4 inches westerly from the northeasterly corner thereof; thence westerly along said northerly line, a distance of 40 feet; thence southerly parallel with the easterly line of said Inlot, a distance of 92 feet 3 inches, to the northerly line of a private alley; thence easterly along said northerly line of said alley and parallel with the northerly line of said Inlot, a distance of 40 feet; thence northerly parallel with the easterly line of said Inlot, a

distance of 92 feet 3 inches, to the point of beginning.

Also the use of a 10 foot private alley touching upon and immediately adjacent to the southerly boundary line of the above described tract and running to the easterly line of Inlot No. 568.

Part of Inlots Nos. 567 and 568, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning on the northerly line of Inlot No. 568, 65 feet westerly from the northeasterly corner of said Inlot; thence westerly along the northerly line of Inlots Nos. 568 and 567, 51 feet 6-3/4 inches; thence southerly parallel with the westerly line of Inlot No. 568, 92 feet 3 inches, to the northerly line of a private alley; thence easterly along the northerly line of said alley and parallel with the northerly line of Inlots Nos. 567 and 568, 51 feet 6-3/4 inches; thence northerly parallel with the easterly line of said Inlot No. 568, 92 feet 3 inches, to the point of beginning.

Also the use of a ten foot private alley touching upon and immediately adjacent to the southerly boundary line of the above described tract and running to the easterly boundary line of Inlot No. 568.

Part of Inlot No. 568, in the City of Jefferson, Missouri, more particularly described as follows:

Beginning at the northeasterly corner of Inlot No. 568; thence westerly along the northerly line thereof, 65 feet; thence southerly parallel with the easterly line of said Inlot, 92 feet 3 inches; thence easterly parallel with the northerly line of said Inlot 65 feet, to the easterly line thereof; thence northerly along said easterly line, a distance of 92 feet 3 inches, to the point of beginning.

ALSO: A private alley, subject to existing easements, more particularly described as follows:

Beginning at a point on the easterly line of said Inlot No. 568, in the City of Jefferson, Missouri, said point being 96 feet 6 inches northerly of the southeasterly corner of said Inlot; thence northerly along the said easterly line, 10 feet; thence westerly parallel with McCarty Street, 156 feet 6-3/4 inches, to a point 52 feet 2-1/4 inches westerly of the easterly line of Inlot No. 567; thence southerly parallel with Broadway Street, 106 feet 6 inches, to the southerly line of Inlot No. 567; thence easterly along the southerly line of said Inlot, 10 feet; thence northerly parallel with Broadway Street, 96 feet 6 inches; thence easterly parallel with McCarty Street, 146 feet 6 3/4 inches, to the point of beginning; per Decree of the Circuit Court of Cole County, Missouri, entered March 7, 1925.

Part of Inlot No. 565 in the City of Jefferson, Missouri, described as follows:

Beginning at the northwesterly corner of said inlot; thence easterly along the northerly line thereof 64 feet 4-1/2 inches; thence southerly parallel with the westerly line of said inlot 80 feet; thence westerly parallel with the northerly line of said inlot 64 feet 4-1/2 inches; thence northerly along westerly line of said inlot 80 feet to the point of beginning.

Part of Inlot 565 in the City of Jefferson, Missouri, and more particularly described as follows:

Beginning at a point on the westerly line of said Inlot 565 which is 80 feet southerly from the northwesterly corner of said Inlot, thence southerly along the westerly line thereof 36 feet 10-1/2 inches, thence easterly parallel with McCarty Street, 64 feet 4-1/2 inches, thence northerly parallel with Mulberry Street 36 feet 10-1/2 inches, thence westerly parallel with McCarty Street 64 feet 4-1/2 inches to the point of beginning.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 24

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210,

Page 15, Section 56.660, Line 11, by inserting after said language the following:

“58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

(1) Violence by homicide, suicide, or accident;

(2) Criminal abortions, including those self-induced;

(3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;

(4) In any unusual or suspicious manner;

(5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or [his] deputy **coroner** shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. [He] **The coroner or deputy coroner** may take the names and addresses of witnesses to the death and shall file this information in [his] **the coroner's** office. The coroner or [his] deputy **coroner** shall take possession of all property of value found on the body, making exact inventory of such property on [his] **the** report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or [his] deputy **coroner** shall take possession of any object or article which, in [his] **the coroner or the deputy coroner's** opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

3. Upon taking charge of the dead body and before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff [and] **or** the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of [his] **the coroner's** report.

4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at [his] **the coroner's** own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

5. The coroner shall certify the cause of death in any case under [his] **the coroner's** charge when a physician is unavailable to sign a certificate of death.

6. When the cause of death is established by the coroner, [he] **the coroner** shall file a copy of [his] **the** findings in [his] **the coroner's** office within thirty days.

7. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on [his] **the coroner's** own authority may make or cause to be made an autopsy on the body. The coroner may on [his] **the coroner's** own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, [he] **the pathologist, chemist, or other expert** shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be

recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

8. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, [he] **the coroner** shall make out [his] **the coroner's** warrant directed to the sheriff of the city or county requiring [him] **the sheriff** forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased [came to his death] **died**.

9. (1) When a person is being transferred from one county to another county **or into the state of Missouri** for medical treatment and such person dies while being transferred, **or dies while being treated in the emergency room of the receiving facility** the [county] **place** from which the person is first removed shall be considered the place of death and the county coroner **or medical examiner** of the county **or state** from which the person was being transferred shall be responsible for the **Missouri** certificate of death and for investigating the cause and manner of the death. [If]

(2) The coroner or medical examiner in the county in which the person [died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination] **is determined to be dead may with authorization of the coroner or medical examiner from the transferring county or state, investigate and conduct postmortem examinations** at the expense of [such] **the coroner or medical examiner** [and shall be] **from the transferring county or state. The coroner or medical examiner from the transferring county or state shall be** responsible for the **Missouri** certificate of death and for investigating the cause and manner of the death. [Such]

(3) **The emergency room staff or the coroner or medical examiner from the county where a person is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which the person was being transferred of the death of such person [and after an investigation is completed shall notify such coroner or medical examiner of his findings], **and shall make available information and records necessary for investigation of the death.**

(4) If a person does not die while being transferred and is institutionalized **as a regularly admitted patient** after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person [dies] **is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

(5) **In the case of death by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death.**

(6) **There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or by any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead. The final investigation of death in determining the cause and manner of death shall revert to the county or state of origin, and the coroner or medical examiner of such county or state shall be responsible for the Missouri certificate of death.**

10. Except as provided in subsection 9 of this section, if a person dies in one county and [his] **the body** is subsequently transferred to another county **or into the state of Missouri, for burial or other reasons**, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

11. In performing [his] **the duties of the office**, the coroner or medical examiner shall make reasonable efforts to accommodate organ **and tissue** donation.

58.720. 1. When any person dies within a county having a medical examiner as a result of:

(1) Violence by homicide, suicide, or accident;

- (2) Thermal, chemical, electrical, or radiation injury;
- (3) Criminal abortions, including those self-induced;
- (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:
 - (a) Suddenly when in apparent good health;
 - (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;
 - (c) While in the custody of the law, or while an inmate in a public institution;
 - (d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death.

Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its custody or possession. The medical examiner or his designated assistant examiner shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner's deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner's intentions.

3. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

4. The medical examiner shall certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death, and may sign a certificate of death in the case of any death.

5. When the cause of death is established by the medical examiner, he shall file a copy of his findings in his office within thirty days after notification of the death.

6. **(1) When a person is being transferred from one county to another county or into the state of Missouri for medical treatment and such person dies while being transferred, or dies while being treated in the emergency room of the receiving facility, the [county] place from which the person is first removed shall be considered the place of death and the county coroner or medical examiner of the county or state from which the person was being transferred shall be responsible for the Missouri certificate of death and for investigating the cause and manner of the death. [If]**

(2) The coroner or medical examiner in the county in which the person [died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination] is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county or state, investigate and conduct postmortem examinations at the expense of [such] the coroner or medical examiner [and shall be] from the transferring county. The coroner or medical examiner from the transferring county or state shall be responsible for the Missouri certificate of death and for investigating the cause and manner of the death. [Such]

(3) The emergency room staff or the coroner or medical examiner from the county where a person is

determined to be dead shall immediately notify the coroner or medical examiner of the county **or state** from which the person was being transferred of the death of such person [and after an investigation is completed shall notify such coroner or medical examiner of his findings], **and shall make available information and records necessary for investigation of the death.**

(4) If a person does not die while being transferred and is institutionalized **as a regularly admitted patient** after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person [dies] **is determined to be dead** shall immediately notify the coroner or medical examiner of the county **or state** from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

(5) **In the case of death by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death.**

(6) **There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, criminal abortion including those self-induced, child fatality, or by any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the county or state of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death.**

7. Except as provided in subsection 6 of this section, if a person dies in one county and [his] **the** body is subsequently transferred to another county **or into the state of Missouri, for burial or other reasons**, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

8. In performing [his] **the** duties, the coroner or medical examiner shall make reasonable efforts to accommodate organ **and tissue** donation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 25

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 99, Section 4, Line 60, by inserting after all of said line the following:

“Section 5. 1. The governor is hereby authorized and empowered to sell, transfer, grant, and convey all interest in fee simple absolute in property owned by the state at the Fort Davidson Historic Site to the City of Pilot Knob. The property to be conveyed is more particularly described as follows:

A tract of land situated in the City of Pilot Knob, County of Iron and the State of Missouri, lying in Part of Section 30, Township 34 North, Range 4 East of the Fifth Principal Meridian, described as follows, to wit: Commencing at the common corner of Sections 29, 30, 31 and 32, Township 34 North, Range 4 East, described on Survey Document Number 600-64159 as shown on a survey by PLS-2550 dated January 20, 2000 and filed with the Missouri Land Survey in Document Number 750-26834; thence along the line between Sections 29 and 30, North 00°45'46" East, 982.52 feet to an iron pin with cap by said PLS 2550; thence leaving said section line, West, 768.18 feet to an iron pin with cap by said PLS 2550 on the East right-of-way line of a County Road; thence along said County Road, North 30°50'55" West, 596.36 feet to the POINT OF BEGINNING of the tract herein described; thence continuing along said East right-of-way line, North 30°50'55" West, 6.84 feet to an iron pin with cap by said PLS 2550; thence leaving said East right-of-way line, North 07°30'05" West, 132.59 feet to a drill rod; thence North 24°07'24" West, 467.55 feet to an iron pin with cap by said PLS 2550; thence North 37°10'36" East, 265.27 feet to a drill rod; thence South 25°47'23" East, 332.36 feet to an iron pin; thence South 22°56'24" East, 642.56 feet to an iron pin; thence South 86°24'35" West, 573.80 feet to the point of beginning. Containing 9.07 Acres, more or less and being part of a larger parcel described in Book 359 at Page 756 of the Land Records of Iron County, Missouri.

___2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place, and terms of the sale.

3. The attorney general shall approve the form of the instrument of conveyance.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 26

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 67.1305, Page 28, Line 183, by inserting immediately after said Line the following:

“67.1754. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the metropolitan park and recreational fund to be administered by the board of directors of the district to pay costs associated with the establishment, administration, operation and maintenance of public recreational facilities, parks, and public recreational grounds associated with the district. Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision;

(2) Fifty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of such fifty percent amount shall be reserved for distribution to municipalities within the county in the form of grant revenue-sharing funds. Each county in the district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes provided the purposes of such grants are consistent with the purpose of the district. In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757; **in such county, notwithstanding other provisions to the contrary, the grant proceeds may be used to fund any recreation program or park improvement serving municipal residents and for such other purposes as set forth in section 67.1757.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 27

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 15, Section 56.660, Line 11, by inserting immediately after said Line the following:

“59.005. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) “Document” or “instrument”, any writing or drawing presented to the recorder of deeds for recording;

(2) “File”, “filed” or “filing”, the act of delivering or transmitting a document to the recorder of deeds for recording into the official public record;

(3) “Grantor” or “grantee”, the names of the parties involved in the transaction used to create the recording index;

(4) “Legal description”, includes but is not limited to the lot or parts thereof, block, plat or replat number, plat book and page and the name of any recorded plat or a metes and bounds description with acreage, if stated in the description, or the quarter/quarter section, and the section, township and range of property, or any combination thereof. The address of the property shall not be accepted as legal description;

(5) “Legible”, all text, seals, drawings, signatures or other content within the document must be capable of producing a clear and readable image from record, regardless of the process used for recording;

(6) “Page”, any writing, printing or drawing printed on one side only covering all or part of the page, not larger than eight and one-half inches in width and eleven inches in height for pages other than a plat or survey;

(7) “Record”, “recorded” or “recording”, the recording of a document into the official public record, regardless of the process used;

(8) “Recorder of deeds”, the separate recorder of deeds in those counties where separate from the circuit clerk and the circuit clerk and ex officio recorder of deeds in those counties where the offices are combined.

(9) **“Copying” or “Reproducing” any recorded instrument or document, the act of making a single reproduction in any medium of a recorded document or instrument;**

(10) “Duplicate” copies, copies requested concurrently with, but in excess of one reproduction in any medium of a recorded instrument or document or collection thereof.”; and

Further amend said House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 473.771, Page 94, Line 55, by inserting after said line the following:

483.537. The clerk of any state court who, by deputy or otherwise, takes or processes applications for passports or their renewal shall account for the fees charged for such service [, and remit eighty percent of the same on the last day of each month to the state, and twenty percent to the county where the application was taken] and for the expenditure of such fee in an annual report made to the presiding judge and the office of the state courts administrator. Such fees shall be only for the maintenance of the courthouse or to fund operations of the circuit court.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 28

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Section 233.295, Page 79, Line 60, by inserting after all of said line the following:

“7. Notwithstanding other provisions of this section to the contrary, in any county, any petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission shall disincorporate the road district. This subsection shall not apply to any road district located in two counties.

8. Notwithstanding other provisions of this section to the contrary, in any county, a petition to disincorporate a road district located in two counties organized under sections 233.170 to 233.315 shall be presented to the county commission or similar authority in each county in which the road district is located. Each petition shall be signed by the lesser of fifty or a majority of the registered voters residing within the district and county, shall state the name of the district, and shall request the disincorporation of the district. If a petition is submitted as authorized in this section, and it is the opinion of the county commission in each county in which the road district is located that the public good will be advanced by the disincorporation after providing notice and a hearing as required in this section, then the county commission in each county in which the road district is located shall disincorporate the road district. A road district located in two counties shall not be disincorporated until it is disincorporated in each county in which it is located.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 29

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 38, Section 99.1082, Line 62, by inserting after "assessments." the following: **Provided however, the governing body of any county may, by resolution, exclude any portion of any county-wide sales tax of such county."**

HOUSE AMENDMENT NO. 30

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, Page 55, Section 137.071, Line 24, by inserting after all of said line the following:

“137.102. As used in this section and section 137.104, the following terms shall mean:

(1) “Homestead”, a taxpayer-owned and occupied principle dwelling real or personal property, along with appurtenances thereto and personal property thereon and up to five acres of land surrounding it as it is reasonably necessary for use of the dwelling as a home; provided, however, that the dwelling shall have been owned in fee simple by said taxpayer for a continuous period of not less than five years. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principle dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of common elements, if any;

(2) "Household", a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling;

(3) "Household income", the federal adjusted gross income as defined in Section 62 of the United States Internal Revenue Code, of all members in the household;

(4) "Individual with a disability", a taxpayer with a physical or mental impairment which substantially limits one or more of a person's major life activities, or who is regarded as having such an impairment, or has a record of having such an impairment;

(5) "Tax-deferred property", the property upon which increases in taxes are deferred under this section;

(6) "Taxes" or "property taxes", ad valorem taxes, assessments, fees, and charges entered on the assessment and tax roll.

137.104. 1. Beginning January 1, 2006, any taxpayer sixty-five years of age or older with a household income of seventy thousand dollars or less, or any individual with a disability receiving Social Security income, may elect to defer any increases in taxes on homestead property beyond the total property taxes paid in the previous year, by obtaining a deferral after January first and on or before October fifteenth of the first year in which deferral is first claimed.

2. In order to qualify for tax deferral under this section, the following requirements must be met when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(2) The homestead must be located in a county with a charter form of government and with more than one million inhabitants;

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule, or regulation applicable to a mortgage, trust deed, land sale contract for which the homestead is security;

(4) The equity interest in the homestead must equal or exceed ten percent of the true value in money of the homestead; and

(5) The taxpayer claiming the deferral must show proof of, and maintain throughout the deferral period, insurance on the homestead in an amount equal to or exceeding the assessed value of the homestead.

3. A taxpayer's claim for deferral under this section shall be filed with the county assessor in writing on a form supplied by the department of revenue and shall:

(1) Describe the homestead;

(2) Recite facts establishing the eligibility for the deferral under the provisions of section 137.102, including facts that establish that the household income of the individual or individuals in the household was, for the calendar year immediately preceding the calendar year in which the claim was filed, seventy thousand dollars or less; or

(3) Have attached any documentary proof required by the director to show that the requirements of this section have been met. A federal income tax return shall be determined as proof of eligibility under this income guideline.

4. The county assessor shall forward each claim filed under this section to the director of revenue, who shall determine if the property is eligible for deferral. If eligibility for deferral of homestead property taxes is established, the director of revenue shall notify the county assessor collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

5. The portion of increased taxes due beyond the total base amount of ad valorem property taxes paid in 2005 shall be deferred, and the county assessor or collector shall maintain accounts for each deferred property

and shall accrue interest only on the amount of taxes deferred. The interest rate shall be two and one-half percent annually. The director of revenue shall have a lien on the homestead property in the amount of the deferred taxes and interest due.

6. The lien created under this section shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds, or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

7. Deferred ad valorem taxes and accrued interest shall become due and payable when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies, or if there was more than one claimant, the survivor of the taxpayer who originally claimed the deferment of collection of property taxes under this section dies;

(2) The property with respect to which deferment of collection of taxes is claimed is sold or otherwise transferred;

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(4) The tax-deferred property is a manufactured structure or floating home which is moved out of the state.

8. Whenever any of the circumstances listed in this subsection occurs, the deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year, and the amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue. If the homestead property is removed from the state, the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state. All payments of deferred taxes shall be made to the county collector and shall be distributed in accordance with the then-current distribution plan.

9. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations that they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.

10. The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 400—Pensions, Veterans’ Affairs and General Laws.

HCS for HB 649—Ways and Means.

HCS for HB 91—Ways and Means.

HCS for HBs 500 & 533—Small Business, Insurance and Industrial Relations.

HCS for HB 474—Small Business, Insurance and Industrial Relations.

HCS for HB 560—Ways and Means.

REFERRALS

President Pro Tem Gibbons referred **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

HOUSE BILLS ON THIRD READING

HCS for HB 365, entitled:

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county

sheriff’s revolving fund, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Crowell.

Senator Koster assumed the Chair.

On motion of Senator Crowell, **HCS** for **HB 365** was read the 3rd time and passed by the following vote:

YEAS—Senators				
Barnitz	Bartle	Callahan	Cauthorn	
Champion	Clemens	Coleman	Crowell	
Dolan		Engler	Gibbons	Graham
Green		Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer	
Nodler	Purgason	Scott	Shields	
Stouffer	Taylor	Vogel	Wheeler	
Wilson—29				

NAYS—Senators		
Bray	Days	Dougherty—3

Absent—Senators	
Alter	Ridgeway—2

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Barnitz	Bartle	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—28

NAYS—Senators

Days

Dougherty

Wilson—3

Absent—Senators

Alter

Bray

Ridgeway—3

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 441, with **SCS**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Cauthorn.

SCS for HCS for HB 441, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 441An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Was taken up.

Senator Cauthorn moved that **SCS for HCS for HB 441** be adopted.

Senator Cauthorn offered **SS for SCS for HCS for HB 441**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 441

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Senator Cauthorn moved that **SS for SCS for HCS for HB 441** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 441, Page 25, Section 195.017, Line 2, by inserting after all of said line the following:

“195.214. 1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a **residence of an in-home child care provider, a child care facility, a long-term care facility**, public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university or on any school bus.

2. Distribution of a controlled substance near schools is a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 1** was withdrawn.

Senator Cauthorn moved that **SS** for **SCS** for **HCS** for **HB 441** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **HCS** for **HB 441** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Ridgeway	Shields—2
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 347**, with **SCS**, entitled:

An Act to amend chapter 431, RSMo, by adding thereto seven new sections relating to resolution of disputes concerning alleged defective residential construction.

Was called from the Informal Calendar and taken up by Senator Dolan.

SCS for **HCS** for **HB 347**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 347An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to residential housing, with an effective date for a certain section.

Was taken up.

Senator Dolan moved that **SCS** for **HCS** for **HB 347** be adopted.

Senator Dolan offered **SS** for **SCS** for **HCS** for **HB 347**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 347

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to residential housing.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HB 347** be adopted.

At the request of Senator Dolan, **HCS** for **HB 347**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HB 479, introduced by Representative Ervin, entitled:

An Act to repeal section 67.792, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

On motion of Senator Ridgeway, **HB 479** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Days Klindt—2

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Ridgeway, title to the bill was agreed to.
Senator Ridgeway moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 423, with **SCS**, introduced by Representative Kuessner, et al, entitled:
An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Highway Patrolman Robert Kolilis Memorial Highway.
Was called from the Consent Calendar and taken up by Senator Engler.
SCS for **HB 423**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 423An Act to amend chapter 227, RSMo, by adding thereto two new sections relating to the establishment of memorial highways.

Was taken up.
Senator Engler moved that **SCS** for **HB 423** be adopted, which motion prevailed.
On motion of Senator Engler, **SCS** for **HB 423** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Engler, title to the bill was agreed to.
Senator Engler moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HB 528, with **SCS**, introduced by Representative Cunningham (145), entitled:
An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating to motor fuel tax.
Was called from the Consent Calendar and taken up by Senator Clemens.
SCS for **HB 528**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 528An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating
to motor fuel tax.

Was taken up.
Senator Clemens moved that **SCS** for **HB 528** be adopted, which motion prevailed.
On motion of Senator Clemens, **SCS** for **HB 528** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 618, with **SCS**, introduced by Representative Bearden, et al, entitled:

An Act to repeal section 43.050, RSMo, and to enact in lieu thereof one new section relating to exemptions to highway patrol personnel.

Was called from the Consent Calendar and taken up by Senator Dolan.

SCS for **HB 618**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 618An Act to repeal sections 43.050 and 304.022, RSMo, and to enact in lieu thereof two new sections relating to law enforcement, with penalty provisions.

Was taken up.

Senator Dolan moved that **SCS** for **HB 618** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HB 618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Green Klindt—2

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 297**, with **SCS**, entitled:

An Act to repeal section 160.522, RSMo, and to enact in lieu thereof one new section relating to school accountability report cards.

Was called from the Consent Calendar and taken up by Senator Nodler.

SCS for **HCS** for **HB 297**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 297

An Act to repeal sections 105.458, 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 297** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 297** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 443**, with **SCS**, entitled:

An Act to repeal sections 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.140, 169.555, 169.560, 169.561, 169.569, 169.600, 169.610, 169.620, 169.630, 169.650, 169.655, 169.670, 169.673, and 169.712, RSMo, and to enact in lieu thereof twenty-two new sections relating to public school retirement, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Mayer.

SCS for **HCS** for **HB 443**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 443

An Act to repeal sections 169.010, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.140, 169.555, 169.560, 169.561, 169.569, 169.600, 169.610, 169.620, 169.630, 169.650, 169.655, 169.670, 169.673, and 169.712, RSMo, and to enact in lieu thereof twenty-two new sections relating to public school retirement, with a penalty provision.

Was taken up.

Senator Mayer moved that **SCS** for **HCS** for **HB 443** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **HCS** for **HB 443** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS No. 2 for **HB 232**, with **SCS**, entitled:

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient health care records.

Was called from the Consent Calendar and taken up by Senator Ridgeway.

SCS for **HCS No. 2** for **HB 232**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 232

An Act to repeal section 191.227, RSMo, and to enact in lieu thereof one new section relating to patient health care records.

Was taken up.

Senator Ridgeway moved that **SCS** for **HCS No. 2** for **HB 232** be adopted, which motion prevailed.

On motion of Senator Ridgeway, **SCS** for **HCS No. 2** for **HB 232** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Barnitz—1

Absent—Senators

Dolan Dougherty—2

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Ridgeway, title to the bill was agreed to.

Senator Ridgeway moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 229, with **SCS**, introduced by Representative Portwood, et al, entitled:

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead exemption for the elderly.

Was called from the Consent Calendar and taken up by Senator Gross.

SCS for **HB 229**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 229An Act to repeal sections 135.010 and 137.106, RSMo, and to enact in lieu thereof two new sections relating to the homestead preservation tax credit.

Was taken up.

Senator Gross moved that **SCS** for **HB 229** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 229** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 237** and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 237**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 665**, entitled:

An Act to repeal sections 71.620, 256.468, 324.010, 328.010, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.110, 328.115, 328.120, 328.130, 328.160, 329.010, 329.035, 329.045, 329.050, 329.060, 329.070, 329.090, 329.100, 329.110, 329.120, 329.130, 329.170, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240, 329.250, 329.260, 329.265, 334.735, 335.068, 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.600, 337.603, 337.615, 337.618, 337.653, 337.700, 337.703, 337.706, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.095, 344.040, 374.710, 374.730, 374.783, 374.786, 436.218, 571.030, 620.1900, and 621.045, RSMo, and to enact in lieu thereof one hundred seventeen new sections relating to regulation of professional licensees, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 697**, entitled:

An Act to repeal sections 307.366, 643.315, and 643.335, RSMo, and to enact in lieu thereof four new sections relating to motor vehicles emissions testing, with penalty provisions and an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 880**, entitled:

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof seven new sections relating to state purchasing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 210**, as amended and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Nodler, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

THIRD READING OF SENATE BILLS

SJR 19, introduced by Senator Ridgeway, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

Was taken up.

On motion of Senator Ridgeway, **SJR 19** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wilson—29

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Klindt	Koster
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Wheeler—5

Absent with leave—Senators—
None

Vacancies—None

The President declared the joint resolution passed.

On motion of Senator Ridgeway, title to the joint resolution was agreed to.

Senator Ridgeway moved that the vote by which the joint resolution passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SCS for **SB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 3An Act to repeal sections 135.327 and 135.329, RSMo, and to enact in lieu thereof two new sections relating to adoption tax credits, with an emergency clause.

Was taken up by Senator Loudon.

Senator Scott assumed the Chair.

At the request of Senator Loudon, **SCS** for **SB 3** was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HB 58**, with **SCS**, entitled:

An Act to repeal sections 49.082, 49.093, 49.272, 50.343, 50.760, 50.770, 50.780, 55.160, 67.1850, 71.794, 82.291, 82.1025, 94.700, 247.060, 247.180, 249.1150, 249.112, 250.140, 278.240, 321.120, 321.190, 321.322, 321.603, 447.620, 447.622, 447.625, 447.640, and 573.505, RSMo, and to enact in lieu thereof forty-four new sections relating to political subdivisions, with an emergency clause for a certain section.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HCS** for **HB 58**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 58 An Act to repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.540, 50.760, 50.770, 50.780, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1003, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 115.019, 136.010, 136.160, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 231.444, 242.560, 245.205, 247.060, 247.180, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121, 321.120, 321.190, 321.322, 321.552, 321.554, 321.603, 349.045, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 488.2220, and 559.607, RSMo, and to enact in lieu thereof one hundred nineteen new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 58** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 58**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 58

An Act to repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.760, 50.770, 50.780, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 59.005, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 105.711, 115.019, 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 217.905, 231.444, 233.295, 242.560, 245.205, 247.060, 247.180, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121, 321.120, 321.190, 321.322, 321.603, 349.045, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 488.2220, 559.607, RSMo, and section 137.130 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and as enacted by conference committee substitute for house committee substitute for senate bill no. 219, ninetieth general assembly, first regular session, and to enact in lieu thereof one hundred thirty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 58** be adopted.

Senator Dolan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 81, Section 94.270, Line 8, by inserting after all of said line the following:

“94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to [one-half of] one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of (county’s or city’s name) impose a county/city-wide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES ☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into

effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting are opposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo. The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county approving a sales tax under this section, and the record shall be open to inspection by officers of the city or county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

6. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

7. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 93, Section 94.860, Line 17, of said page by inserting after all of said line the following:

"99.866. 1. For all redevelopment areas, redevelopment plans, and redevelopment projects designated and approved after December 31, 2005, tax increment financing shall not be used for more than twenty percent of the total estimated redevelopment costs of a project that is primarily retail. Tax increment financing shall not be used to develop retail sites in which twenty-five percent or more of the area is vacant and has not been previously developed or qualifies as "open space" under section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes, except where the redevelopment project is contained in the municipality's comprehensive plan adopted prior to January 1, 2002."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Callahan offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 1, Section 99.866, Line 14 of said amendment, by inserting after “2002.” the following: **“The provisions of this section shall apply only to a county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants.”**.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Dolan, **SA 2** was withdrawn, rendering **SA 1** to **SA 2** moot.

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, by inserting after all of said line the following:

“409.107. [No] Any investment firm[, legal] offering municipal bond underwriting of financial advisory services or any law firm offer-ing bond counsel services, or any persons having an interest in any such firms shall [be involved in any manner in the issuance of bonds authorized by an election in which the firm or person made any contribution of any kind whatsoever to any campaign in support of the bond election] limit their contributions in the campaign in support of a general obligation bond election to an in-kind nature consisting of organization suggestions, promotional materials development, preparation of suggested election strategies, attendance at public forums to answer questions regarding the financing and legal issues involved, and other activities that do not involve any direct financial contributions.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 181, Section 198.345, Line 24 of said page, by striking “assisted living facilities” and inserting in lieu thereof the following: **“apartments for seniors that provide at a minimum housing, food services, and emergency call buttons to the apartment residents”**; and

Further amend said bill and section, page 182, line 2 of said page, by striking the following: “For purposes”; and further amend lines 3-10 of said page, by striking all of said lines and inserting in lieu thereof the following: **“Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.”**.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, of said page by inserting after all of said line the following:

“393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation[, municipality, or public water supply district established under chapter 247, RSMo,] to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation[, municipality or public water supply district] is performing a combined water and sewer billing

service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation[, municipality or public water supply district] to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation[, municipality or public water supply district] shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation[, municipality, or public water supply district] acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation[, municipality, or public water supply district], in which case the water corporation[, municipality, or public water supply district] shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation[, municipality or public water supply district] shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.

393.016. 1. Notwithstanding any other provision of law, any municipality providing water, or any water district established under chapter 247, RSMo, which in this section shall sometimes be designated as a water provider, shall upon request of any municipality providing sewer service or public sewer district established under chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized under constitutional authority, which in this section shall sometimes be designated as a sewer provider, contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider.

2. Any water provider, or independent contractor acting for a water provider, acting under a contract with a sewer provider under this section shall be exempt from all civil liability whatsoever arising from or related to termination of water services under any such contract.

3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.

4. Any agreement drafted by the commissioners or entered into under this section shall contain the following provisions:

(1) The rules and regulations or ordinances of the sewer provider shall provide that the number of days of delinquency required before water service is discontinued for failure to pay for sewage service shall be equal to the number of days of delinquency required before water service is discontinued for failure to pay for water service under the rules and regulations of the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the charges or rental due therefor unless the sewer provider shall first give a written notice to the water provider to do so. Such notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of such amount is received by the water provider the provider shall restore water service to the water and sewer user, provided the water bill of such user owed to the water provider is not delinquent;

(3) The sewer provider shall at all times keep in force a general comprehensive public liability and property damage policy issued by a company authorized to do business in Missouri with policy limits equal to or in excess of those set forth in section 537.610, RSMo, shall include the water provider and any independent contractor who performs such agreement under contract with the water provider thereon as an additional insured, and shall furnish the water provider and such independent contractor a certificate of insurance evidencing such insurance is in effect. If at any time it fails to do so and furnish such certificate of insurance to the water provider and such independent contractor, the water provider and such independent contractor may cease to make water service terminations until such requirement is satisfied.

(4) The agreement shall provide that any loss of revenue incurred by the water provider as a result of discontinuing water service because of the failure of any sewage user to pay the charges or rental therefor shall be paid to the water provider by the sewer provider. Such amounts include, but are not limited to, loss of revenue by the water provider caused by disconnection of water service for a sewer bill delinquency when the water bill is not delinquent;

(5) When a water provider is collecting delinquent amounts for both the water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided between the water provider and the sewer provider so that each receives the percentage of the amount owed to it;

(6) The agreement shall provide that in the event the water provider or any independent contractor who performs such agreement under contract with the water provider incurs attorney fees or other costs not covered by insurance as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor which exceeds the limits of insurance coverage provided to the water provider or independent contractor by the sewer provider as stated in this section, the sewer provider shall reimburse such amounts to the water provider or independent contractor;

(7) The agreement shall contain a provision providing that the expense and cost of the water provider shall be recalculated annually and that the amount due it during the subsequent year shall be increased or decreased according to any change occurring in the costs and expenses; alternatively, upon agreement of the parties to the agreement, the agreement may provide for annual increases or decreases based upon the percentage of increase or decrease in the National Consumers Price Index for All Urban Consumers, unadjusted for seasonal variation, as published by the United States Department of Labor for the most recent date prior to the annual anniversary date of the execution of the agreement;

(8) All expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider. The reimbursement shall be made monthly, bi-monthly, or quarterly. In determining such expense incurred by the water provider, the commissioners shall consider the following items of expense, whether such items will be incurred by the water provider, at the time the agreement is executed or in the future, and if so, the amount of such expense attributable to such agreement at the time such agreement is executed and in the future:

(a) All personnel expense including, but not limited to, wages and salaries, employment taxes, retirement benefits, employment benefits, health insurance, and workers' compensation insurance;

(b) All expense incurred by payments to independent contractors who perform or carry out the agreement under contract with the water provider;

(c) Equipment expenses;

(d) Computer and computer program expense;

(e) Office space expense;

(f) Insurance expense attributable to the agreement between the water provider and the sewer provider, including the additional insurance expense of any independent contractor who performs or carries out the agreement under contract with such water provider;

(g) All other expense attributable to the agreement between the water and sewer provider;

(9) The agreement shall terminate in twenty years unless a different term is agreed upon by the parties. Upon termination, the parties may agree to an extension thereof, not to exceed an additional twenty years;

(10) If ownership of either the sewer system of the sewer provider or the water system of the water provider is transferred to another entity or person, the agreement shall terminate at the time of the transfer, unless the new owner and remaining owner agree otherwise.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. The two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the

second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all evidence and information submitted to them and prepare such agreement as provided under this section. The agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as provided under this section.

7. If the court finds that the agreement is fair, reasonable, and meets the requirements of this section, then the court shall enter its judgment approving the agreement and order it to become effective sixty days after the date of such judgment. If the court finds such agreement is not fair and reasonable or does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Days offered SA 1 to SA 5, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 8, Section 393.016, Line 26, by inserting after all of said line the following:

"9. The provisions of this section shall not apply to any city not within a county or any county with a charter form of government and with more than one million inhabitants."

Senator Days moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 132, Section 136.160, Line 2, by inserting immediately after said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if

such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, **or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo**, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing

by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such

index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term “property” means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. Within thirty days after the effective date of this act, the state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the

state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible

for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, page 219, section 311.087, line 6, by inserting immediately after said line the following:

“313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less winnings paid to wagers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) **“Capital, cultural, and special law enforcement purpose expenditures”, shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;**

[(4)] (5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

[(5)] (6) “Commission”, the Missouri gaming commission;

[(6)] (7) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(7)] (8) “Excursion gambling boat”, a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

(9) **“Fiscal year”, shall for the purposes of subsections 3 and 4 of section 313.820, mean the fiscal year of a home dock city or county;**

[(8)] (10) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(9)] (11) “Gambling excursion”, the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(10)] (12) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[(11)] (13) “Games of chance”, any gambling game in which the player's expected return is not favorably

increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(12)] **(14)** “Games of skill”, any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold'em”, “double down stud”, and any video representation of such games;

[(13)] **(15)** “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

[(14)] **(16)** “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(15)] **(17)** “Licensee”, any person licensed under sections 313.800 to 313.850;

[(16)] **(18)** “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(19) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill referred to in subdivision [(12)] **(14)** of subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

(1) Is it in the best interest of gaming to allow the game; and

(2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of

revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

3. Effective fiscal year 2008 and each fiscal year thereafter, the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the percentage of gross revenue realized by the home dock city or county attributable to such admission fees for fiscal year 2007. In the case of a new casino, the provisions of this section shall become effective two years from the opening of such casino and the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the average percentage of gross revenue realized by the home dock city or county attributable to such admission fees for the first two fiscal years in which such casino opened for business. Effective fiscal year 2010 and each subsequent fiscal year until fiscal year 2015, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than thirty percent. Effective fiscal year 2015 and each subsequent fiscal, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than twenty percent.

4. After fiscal year 2007, in any fiscal year in which a home dock city or county collects an amount over the limitation on revenue derived from admission fees provided in subsection 1 of this section, such revenue shall be treated as if it were sales tax revenue within the meaning of section 67.505, RSMo, provided that the home dock city or county shall reduce its total general revenue property tax levy, in accordance with the method provided in subdivision (6) of subsection 3 of section 67.505, RSMo.

5. The provisions of subsections 3 and 4 of this section shall not affect the imposition or collection of a tax under section 313.822.

6. The provisions of subsections 3 and 4 of this section shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any city of the third classification with more than six thousand seven hundred but fewer than six thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the third classification with more than twenty-five thousand seven hundred but fewer than twenty-five thousand nine hundred inhabitants, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any special charter city with more than nine hundred fifty but fewer than one thousand fifty inhabitants, any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, any city not within a county, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, and any county of the first classification with

more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 239, Section 473.771, Line 27, by inserting immediately after said line the following:

“478.570. 1. There shall be two circuit judges in the seventeenth judicial circuit consisting of the counties of Cass and Johnson. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

3. Beginning on January 1, 2006, there shall be one additional associate circuit judge position in Cass County than is provided under section 478.320.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit consisting of the county of St. Charles. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020, RSMo, shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 130, Section 105.711, Line 11, by inserting immediately after said line the following:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse

Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. **A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed.** The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) “Disabled”, the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) “Gross rent”, amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) “Homestead”, the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. “Owned” includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) “Income”, Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) “Property taxes accrued”, property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then “property taxes accrued” is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are “levied” when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, “property taxes accrued” means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the

percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision “unit” refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) “Rent constituting property taxes accrued”, twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

137.106. 1. This section may be known and may be cited as “The Missouri Homestead Preservation Act”.

2. As used in this section, the following terms shall mean:

(1) “Department”, the department of revenue;

(2) “Director”, the director of revenue;

(3) “Disabled”, as such term is defined in section 135.010, RSMo;

(4) “Eligible owner”, any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to subsection 4 of this section; in the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to subsection 4 of this section did not exceed the maximum upper limit; **in the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions 7 and 8 of this subsection;** no individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year, [not including the year in which the application was completed,] shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person [qualifies] **filed a valid claim** for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) “Homestead”, as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, **except where an eligible owner of the property has made such improvements to accommodate a disabled person;**

(6) “Homestead exemption limit”, a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [8] **10** of this section. **For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005 and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application;**

(7) “Income”, federal adjusted gross income, **and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;**

(8) “Maximum upper limit”, in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, **not made to accommodate a disabled person**, did not total more than five percent of the prior year appraised value.

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon [receiving] **request for** an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks **for inclusion on the form**;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April 1 and September 30 of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, **not made to accommodate a disabled person**, did not total more than five percent of the prior year appraised value; and

(5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by September thirtieth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[7.] **8. If application is made in 2005**, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit,

verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

[8.] 9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income is verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[9.] 11. [If, in any given year,] For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[10.] 12. After setting the homestead exemption limit **for applications made in 2005**, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation **and assessment fund allocation** to the county collector's funds of each county **or the treasurer ex officio collector's fund in counties with a township form of government** where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector **or the treasurer ex officio collector in counties with a township form of government**, shall be deposited in the county collector's fund of a county **or the treasurer ex officio collector's fund** or may be sent by mail to the

collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

[11.] 13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex-officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[12.] 16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to [the mailing of the tax bill] **January first of the year in which the credit would otherwise be applied**, the credit shall be void and any corresponding moneys, pursuant to subsection 10 of this section, shall lapse to the state to be credited to the general revenue fund. **In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any**

corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

[13.] **17.** This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

[14.] **18.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 168, Section 140.150, Line 6, by inserting after all of said line the following:

“140.250. 1. Whenever any lands have been or shall hereafter be offered for sale for delinquent taxes, interest, penalty and costs by the collector of the proper county for any two successive years and no person shall have bid therefor a sum equal to the delinquent taxes thereon, interest, penalty and costs provided by law, then such county collector shall at the next regular tax sale of lands for delinquent taxes sell same to the highest bidder, **and such bid may be less than the delinquent taxes thereon, interest, penalty, and costs**, and there shall be a ninety-day period of redemption from such sales as specified in section 140.405.

2. No certificate of purchase shall issue as to such sales, but the purchaser at such sales shall be entitled to the issuance and delivery of a collector's deed upon completion of title search action as specified in section 140.405.

3. If any lands or lots are not sold at such third offering, then the collector, in his discretion, need not again advertise or offer such lands or lots for sale more often than once every five years after the third offering of such lands or lots, and such offering shall toll the operation of any applicable statute of limitations.

4. A purchaser at any sale subsequent to the third offering of any land or lots shall be entitled to the immediate issuance and delivery of a collector's deed and there shall be no period of redemption from such sales; provided, however, before any purchaser at a sale to which this section is applicable shall be entitled to a collector's deed it shall be the duty of the collector to demand, and the purchaser to pay, in addition to his bid, all taxes due and unpaid on such lands or lots that become due and payable on such lands or lots subsequent to the date of the taxes included in such advertisement and sale.

5. In the event the real purchaser at any sale to which this section is applicable shall be the owner of the lands or lots purchased, or shall be obligated to pay the taxes for the nonpayment of which such lands or lots were sold, then no collector's deed shall issue to such purchaser, or to anyone acting for or on behalf of such purchaser, without payment to the collector of such additional amount as will discharge in full all delinquent taxes, penalty, interest and costs.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 77, Section 82.1025, Line 18, of said page, by inserting immediately after said line the following:

“84.010. **1.** In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in

any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.

2. Notwithstanding any provision of subsection 1 of this section or other law to the contrary, from and after the effective date of this act, any city not within a county may establish by ordinance, and thereafter maintain, a municipal police force pursuant to sections 84.341 and 84.342.

84.341. Any city not within a county may establish by ordinance a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;**
- (2) Preventing crime and arresting suspected offenders;**
- (3) Enforcing the laws of the state and ordinances of the city;**
- (4) Exercising all powers available to a police force under generally applicable state law; and**
- (5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said cities. No person shall act as a private watchman, private detective, or private policeman in said cities without first having obtained a written license from said police force.**

84.342. 1. Any ordinance adopted under section 84.341 shall provide for the employment in the municipal police force, immediately upon the effective date of the establishment of the municipal police force, of all officers and employees of any police force previously established under sections 84.010 to 84.340 at their then current salaries, and for their entitlement to all accrued benefits, including but not limited to, vacation time, sick leave, and health insurance. Any such ordinance shall be consistent with any regulation concerning residence of police officers adopted by the commissioners of the board of police under sections 84.020 and 84.030 prior to the adoption of such ordinance.

2. After the establishment of a municipal police department under section 84.341, the city may provide by ordinance for the number and ranks of police officers, for their compensation and benefits, and for the appointment, promotion, suspension, demotion, or discharge of members of the police department and of the police commissioner.

84.343. Immediately upon the adoption by a city not within a county of an ordinance establishing a municipal police force under section 84.341, the clerk of such city shall file a certified copy of such ordinance with the secretary of state. The provisions of subsection 1 of section 84.010 and sections 84.015, 84.020, 84.030, 84.040, 84.050, 84.060, 84.070, 84.080, 84.090, 84.095, 84.100, 84.110, 84.120, 84.130, 84.140, 84.150, 84.160, 84.170, 84.175, 84.180, 84.190, 84.200, 84.210, 84.220, 84.230, 84.240, 84.250, 84.260, 84.265, 84.330, and 84.340, and the terms of office of the commissioners of the board of police under sections 84.020 and 84.030, shall expire upon the effective date of the establishment of a municipal police force as provided in such ordinance.

84.344. Any police pension system for members of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, RSMo, as amended.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Stouffer offered **SA 11:**

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 228, Section 321.190, Line 6, by inserting after all of said line the following:

“321.220. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;**
- (2) To have and use a corporate seal;**

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies. **The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each fire call or alarm and five hundred dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency;**

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either or both a contributory or noncontributory plan. For purposes of this section, "eligible unemancipated child" means a

natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, RSMo, for the volunteer members of any organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, RSMo, for the purpose of providing the benefits described in subdivision (17) of this section."; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27, of said page, by inserting after all of said line the following:

"64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

3. Any expenditure made by the authority located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, that is over five thousand dollars, including professional service contracts, must be competitively bid.”; and

Further amend said bill, Page 68, Section 67.1850, Line 17 of said page, by inserting after all of said line the following:

“67.2555. Any expenditure of more than five thousand dollars made by the county executive of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants must be competitively bid.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 130, Section 115.019, Line 11, of said page, by inserting after all of said line the following:

“115.348. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America.”; and

Further amend said bill, Page 255, Section 7, Line 6 of said page, by inserting after all of said line the following:

“Section 8. No official of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, who pleads guilty to or is convicted of a federal felony while serving in his or her official capacity, shall receive any county pension.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27, of said page, by inserting after all of said line the following:

“64.945. No sports authority in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall permit its members to utilize a suite located in any stadium leased by the authority to a professional sports team. The sports authority shall lease the use of such a suite provided to the authority to any person or entity, provided that such person or entity agrees to pay the authority for the value of the suite. If the sports authority violates the provisions of this section, it shall not receive any state funding.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 93, Section 94.860, Line 17, of said page, by inserting after all of said line the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) “Economic development area”, any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(6) “Gambling establishment”, an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) “Municipality”, a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, “municipality” applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(8) “Obligations”, bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(9) “Ordinance”, an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(10) “Payment in lieu of taxes”, those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(11) “Redevelopment area”, an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

(12) “Redevelopment plan”, the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(13) “Redevelopment project”, any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

(14) “Redevelopment project costs” include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(k) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall not include attorneys' fees as a professional service cost when calculating the redevelopment project costs;

(15) “Special allocation fund”, the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

(16) "Taxing districts", any political subdivision of this state having the power to levy taxes;

(17) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

(18) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered SA 16, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 243, Section 3, Line 13, of said page by inserting after "officials" the following: "**, unless the current salary of such officials, as of August 28, 2005, is lower than the compensation provided under the salary schedules**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, by inserting immediately after said line the following:

"350.017. The restrictions set forth in section 350.015 shall not apply to agricultural land that is used by a corporation or limited partnership for the production of swine or swine products located in any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants or any county of the third classification with a township form of government and with more than five thousand two hundred but fewer than five thousand three hundred inhabitants, any county of the third classification with a township form of government and with more than three thousand seven hundred but fewer than three thousand eight hundred inhabitants, any county of the third classification with a township form of government and with more than seven thousand two hundred but fewer than seven thousand three hundred inhabitants, any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants, and any county of the third classification with a township form of government and with more than six thousand eight hundred but fewer than six thousand nine hundred inhabitants that has hog and pig numbers of at least fifty-five thousand as documented by the 2002 Census of Agriculture-County Data and any subsequent censuses published by the National Agriculture Statistics Service. For counties whose hog and pig numbers are not reported by the Census of Agriculture, refer to the total hog and pig numbers, including nursery pig numbers, referenced in Missouri state operating permits issued by the Missouri department of natural resources for such counties."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Vogel offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 140, Section 137.079, Line 23, of said page, by inserting after all of said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein

granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;** and

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reversion of the property within the limitation period for reversioners.”; and

Further amend the title and enacting clause accordingly.

Senator Vogel moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 140, Section 137.079, Line 23, of said page, by inserting immediately after said line the following:

“137.102. As used in this section and section 137.104, the following terms shall mean:

(1) **“Homestead”, a taxpayer-owned and occupied principle dwelling real or personal property, along with appurtenances thereto and personal property thereon and up to five acres of land surrounding it as it is reasonably necessary for use of the dwelling as a home; provided, however, that the dwelling shall have been owned in fee simple by said taxpayer for a continuous period of not less than five years. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principle dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of common elements, if any;**

(2) **“Household”, a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling;**

(3) **“Household income”, the federal adjusted gross income as defined in Section 62 of the United States Internal Revenue Code, of all members in the household;**

(4) **“Individual with a disability”, a taxpayer with a physical or mental impairment which substantially limits one or more of a person's major life activities, or who is regarded as having such an impairment, or has a record of having such an impairment;**

(5) **“Tax-deferred property”, the property upon which increases in taxes are deferred under this section;**

(6) **“Taxes” or “property taxes”, ad valorem taxes, assessments, fees, and charges entered on the assessment and tax roll.**

137.104. 1. Beginning January 1, 2006, any taxpayer sixty-five years of age or older with a household income of seventy thousand dollars or less, or any individual with a disability receiving Social Security income, may elect to defer any increases in taxes on homestead property beyond the total property taxes paid in the previous year, by obtaining a deferral after January first and on or before October fifteenth of the first year in which deferral is first claimed.

2. In order to qualify for tax deferral under this section, the following requirements must be met when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(2) The homestead must be located in a county with a charter form of government and with more than one million inhabitants;

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule, or regulation applicable to a mortgage, trust deed, land sale contract for which the homestead is security;

(4) The equity interest in the homestead must equal or exceed ten percent of the true value in money of the homestead; and

(5) The taxpayer claiming the deferral must show proof of, and maintain throughout the deferral period, insurance on the homestead in an amount equal to or exceeding the assessed value of the homestead.

3. A taxpayer's claim for deferral under this section shall be filed with the county assessor in writing on a form supplied by the department of revenue and shall:

(1) Describe the homestead;

(2) Recite facts establishing the eligibility for the deferral under the provisions of section 137.102, including facts that establish that the household income of the individual or individuals in the household was, for the calendar year immediately preceding the calendar year in which the claim was filed, seventy thousand dollars or less; or

(3) Have attached any documentary proof required by the director to show that the requirements of this section have been met. A federal income tax return shall be determined as proof of eligibility under this income guideline.

4. The county assessor shall forward each claim filed under this section to the director of revenue, who shall determine if the property is eligible for deferral. If eligibility for deferral of homestead property taxes is established, the director of revenue shall notify the county assessor collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

5. The portion of increased taxes due beyond the total base amount of ad valorem property taxes paid in 2005 shall be deferred, and the county assessor or collector shall maintain accounts for each deferred property and shall accrue interest only on the amount of taxes deferred. The interest rate shall be two and one-half percent annually. The director of revenue shall have a lien on the homestead property in the amount of the deferred taxes and interest due.

6. The lien created under this section shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds, or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

7. Deferred ad valorem taxes and accrued interest shall become due and payable when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies, or if there was more than one claimant, the survivor of the taxpayer who originally claimed the deferment of collection of property taxes under this section dies;

(2) The property with respect to which deferment of collection of taxes is claimed is sold or otherwise transferred;

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(4) The tax-deferred property is a manufactured structure or floating home which is moved out of the state.

8. Whenever any of the circumstances listed in this subsection occurs, the deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year, and the amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue. If the homestead property is removed from the state, the

amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state. All payments of deferred taxes shall be made to the county collector and shall be distributed in accordance with the then-current distribution plan.

9. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations that they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.

10. The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Barnitz offered SA 20:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 97, Section 99.1082, Line 24, by striking the word “one” and inserting in lieu thereof the words “**ten thousand**”; and

Further amend said bill, said section, said page, line 25, by inserting immediately after said line, the following:

“or

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine hundred and ninety-nine inhabitants;”.

Senator Barnitz moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered SA 21:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 16, Section 50.784, Line 28, of said page, by inserting after all of said line the following:

“50.1030. 1. The general administration and the responsibility for the proper operation of the fund and the system and the investment of the funds of the system are vested in a board of directors of eleven persons. Nine directors shall be elected by a secret ballot vote of the county employee members of this state. Two directors, who have no beneficiary interest in the system, shall be appointed by the governor with the advice and consent of the senate. No more than one director at any one time shall be employed by the same elected county office. Directors shall be chosen for terms of four years from the first day of January next following their election. It shall be the responsibility of the board to establish procedures for the conduct of future elections of directors and such procedures shall be approved by a majority vote by secret ballot by members of the system. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 50.1000 to 50.1300.

2. The board of directors shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as secretary to the board. The board shall hold regular meetings at least once each quarter. Board meetings shall be held in Jefferson City. Other meetings may be called as necessary by the chairman. Notice of such meetings shall be given in accordance with chapter 610, RSMo.

3. The board of directors shall retain an actuary as technical advisor to the board.

4. The board of directors shall retain investment counsel to be an investment advisor to the board.

5. The state auditor shall provide for biennial audits of the Missouri county employees' retirement system and the operations of the board, to be paid for out of the funds of the system.

6. The board of directors shall serve without compensation for their services, but each director shall be paid out of the funds of the system for any actual and necessary expenses incurred in the performance of duties authorized by the board.

7. The board of directors shall be allowed administrative costs for the operation of the system to be paid out of the funds of the system.

8. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.

9. The board shall conduct an annual review, to determine if, among other things, the following actions are actuarially feasible:

(1) An adjustment to the formula described in section 50.1060, subject to the limitations of subsection 4 of section 50.1060;

(2) An adjustment in the flat dollar pension benefit credit described in subsection 1 of section 50.1060;

(3) The cost-of-living increase as described in section 50.1070;

(4) An adjustment in the matching contribution described in section 50.1230;

(5) An adjustment in the twenty-five year service cap on creditable service; [or]

(6) An adjustment to the target replacement ratio; **or**

(7) **An additional benefit or enhancement which will improve the quality of life of future retirees.**

Based upon the findings of the actuarial review, the board may [recommend to the general assembly an actual change to implement] **vote to change** none, one, or more than one of the above [actions] **items, subject to the actuarial guidelines outlined in section 50.1031.**

50.1031. 1. No adjustments may be made until the fund has achieved a funded ratio of assets to the actuarial accrued liability equaling at least eighty percent. No benefit adjustment shall be adopted which causes the funded ratio to fall more than five percent.

2. Adjustments may be made no more frequently than once every twelve months.

3. Any adjustment or combination of adjustments within a twelve-month period may increase the actuarially determined, normally required annual contribution as a percentage of payroll no more than one percent.

4. Adjustments, other than those in subdivision (3) of subsection 9 of section 50.1030, will apply only with respect to active employees on the effective date of any adjustment.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 22:**

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 228, Section 321.603, Line 17, by inserting after all of said line the following:

“321.696. Notwithstanding any provision of this chapter, chapter 320, RSMo, or chapter 190, RSMo, effective August 28, 2005, pension benefit programs shall not be established by any district for volunteer members, district board of directors, or salaried employees except under the provisions of chapter 70, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 23:**

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 17, Section 52.317, Line 7, of said page, by inserting after “52.317.” the following: **“1.”**; and further amend lines 9 and 10 of said page, by striking the following: “excluding capital improvements and equipment purchases”; and

Further amend said bill and section, Page 18, Line 1, by inserting after all of said line the following:

“2. For one-time expenditures directly attributable to any department, office, institution, commission, or county court, the county commission may budget such expenses in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget.”; and

Further amend said bill, Page 156, Section 137.720, Lines 19-21 of said page, by striking said lines and inserting in lieu thereof the following: “revenue to the assessment fund; **provided however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average**, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, ~~the~~ county governing body, and”.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 187, Section 210.861, Line 7, by inserting after all of said line the following:

“210.862. 1. A private contractor, as defined in subdivision 4 of section 210.110, with the children's division that receives state moneys from the division for providing services to children and their families, or a public or not-for-profit agency licensed or certified to provide qualified services to children and their families under a contract with a community children's service board, as provided in section 210.861, shall have immunity from civil liability to the same extent that the children's division has immunity from civil liability when the division directly provides such services.

2. The provisions of this section shall not apply if a private contractor or a public or not-for-profit agency, as described in subsection 1 of this section, purposely, knowingly, or willfully violates a stated or written policy of the division, any rule promulgated by the division, or any state law that relates to child abuse and neglect.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Dougherty raised the point of order that **SA 24** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Purgason offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27, of said page by inserting after all of said line the following:

“65.030. 1. Upon petition of at least [one hundred] ten percent of the voters at the last general election of any county of the third or fourth classes praying therefor, which said petition shall be filed in the office of the clerk of the county commission, the county commission of such county shall, by order of record, submit the question of the adoption of township organization form of county government to a vote of the voters of the county. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition.** If such petition shall be filed sixty days or more prior to a general election, the proposition shall be submitted at said general election; if filed less than sixty days before such election, then the proposition shall be submitted at the general election next succeeding said general election. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the adoption of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published.

2. The question shall be submitted in substantially the following form:

Shall the township organization form of county government be adopted in county?

3. If a majority of the voters voting upon the question shall vote for the adoption thereof the township organization form of county government shall be declared to have been adopted; provided, that counties adopting township organization shall be subject to and governed by the provisions of the law relating to township organization on and after the last Tuesday in March next succeeding the election at which such township organization was adopted.”; and

Further amend said bill, Page 29, Section 65.110, Line 23, by inserting after all of said line the following:

“65.150. No person shall be eligible to any township office unless he shall be a voter and a resident of such

township. **Such person serving as a township officer must remain a resident of the township for the duration of his or her term.**”; and

Further amend said bill, Page 30, Section 65.160, Line 2, by inserting after all of said line the following:

“65.180. Any person chosen or appointed to fill any township office, who shall refuse to serve, shall forfeit to the township the sum of [five] **one hundred** dollars for the use of the contingent fund, and said forfeiture, if not otherwise paid, shall be collected by any associate circuit judge of the county, as may be provided by law.

65.183. Any person serving as a township officer may be removed from the township board by a majority vote of the other board members for failing to attend two or more consecutive meetings of the board.

65.190. If any township officer who is required by law to take the oath of office shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the township the sum of [twenty] **one hundred** dollars, to be collected and applied as in section 65.180. Township officers shall hold their offices for two years, and until their successors are chosen or appointed and qualified.

65.200. Whenever any township shall fail to elect the proper number of officers to which such township may be entitled, or when any person elected or appointed shall fail to qualify, or when any vacancy shall happen in any township office from any cause, it shall be lawful for the township board to **submit recommendations to the county commission** to fill such vacancy by appointment, and the person so appointed shall hold the office and discharge all the duties of the same during such unexpired term, and until his successor is elected or appointed and qualified, and shall be subject to the same penalties as if he had been duly elected; provided, that any vacancy in **an office of** the township [board] shall be filled by appointment of the county commission.

65.220. The township board may, at any legally convened meeting, for a good and sufficient cause shown to them, accept the **written, dated, and signed** resignation of any township officer; provided, that in all cases where the action of the township board is required, as provided in section 65.210, a majority of the members concurring therein, shall be taken as the action of the board.

65.230. The following township officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the services of the township in discharging the duties of their respective offices:

(1) The township clerk, as clerk, the township trustee, as trustee, members of the township board, shall each receive [for their services six dollars per day] **a maximum amount of fifty dollars per day** for the first meeting each month and [two and one-half] **a maximum amount of twenty** dollars for each meeting thereafter during the month[, and may receive up to twenty-five dollars per day for the first meeting each month and up to ten dollars for each meeting thereafter during the month. The township clerk shall receive fees for the following, and not per diem: for serving notices of election or appointment upon township officers, as required by law, twenty-five cents each; for filing any instrument of writing, ten cents; for recording any order or instrument of writing, authorized by law, ten cents for every hundred words and figures; for copying and certifying any record in his office, ten cents for every hundred words and figures, to be paid by the person applying for the same]; [and]

(2) The township trustee as ex officio treasurer shall receive a compensation of two percent for receiving and disbursing all moneys coming into his hands **for the first fifty thousand dollars received** as ex officio treasurer when the same shall not exceed the sum of one thousand dollars and one percent of all sums over this amount; **and**

(3) **Township officials may receive an hourly wage set by the township board for labor performed for the benefit of the township. Such wage shall not exceed the local prevailing wage limits and shall not include pay received for attending monthly meetings or pay received by the treasurer for performing duties required of his or her office.**

65.300. The township board of directors shall meet [at the office of the township clerk] **on a quarterly basis, or more frequently as deemed necessary by the board**, for the purpose of transacting [such] **township** business [as may be by them deemed necessary, triannually, on the third Wednesday after the first Tuesday in April, the first Tuesday after the first Monday in July, and on the third Monday of November of each year, and at such other times as the interest of the township may require]. **The meetings of the township board shall be held at a location within the township that is accessible to the public.**”; and

Further amend said bill, Page 33, Section 65.600, Line 4, by inserting after all of said line the following:

“65.610. 1. Upon the petition of at least [one hundred qualified electors] **ten percent of voters at the last general election** of any county having heretofore adopted township organization, praying therefor, the county commission shall

submit the question of the abolition of township organization to the voters of the county at a general or special election. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition.** If the petition is filed six months or more prior to a general election, the proposition shall be submitted at a special election to be ordered by the county commission within sixty days after the petition is filed; if the petition is filed less than six months before a general election, then the proposition shall be submitted at the general election next succeeding the filing of the petition. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the abolition of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published at least once each week for three successive weeks, the last insertion to be not more than one week prior to the election, in some newspaper published in the county where the election is to be held, if there is a newspaper published in the county and, if not, by posting printed or written handbills in at least two public places in each election precinct in the county at least twenty-one days prior to the date of election. The clerk of the county commission shall provide the ballot which shall be printed and in substantially the following form:

OFFICIAL BALLOT

(Check the one for which you wish to vote)

Shall township organization form of YES

county government be abolished in County? NO

If a majority of the electors voting upon the proposition shall vote for the abolition thereof the township organization form of county government shall be declared to have been abolished; and township organization shall cease in said county; and except as provided in section 65.620 all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

2. No election or any proposal for either the adoption of township organization or for the abolition of township organization in any county shall be held within two years after an election is held under this section.”; and

Further amend said bill, Page 189, Section 217.905, Line 13, by inserting after all of said line the following:

“231.230. Whenever it shall be necessary in any township to build a bridge, the cost of which shall exceed [one hundred] **forty-five hundred** dollars, the township board of directors shall make out and cause to be presented to the county commission a certified statement of the amount of money necessary for the construction thereof, and, if deemed proper, the said county commission shall cause the bridge to be built by contract as provided by law.”; and

Further amend the title and enacting clause accordingly.

Senator Purgason moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 152, Section 137.122, Line 18, by adding at the end of said line, the following:

“6. The provisions of this section are not intended to modify the definition of “tangible personal property” as defined in Section 137.010, RSMo.”

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Griesheimer offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 68, Section 67.1850, Line 6, of said page by inserting after the word “software” the following: “, **and may also establish costs for the use of computer programs and computer software that provide access to information aggregated with geographic information system information**”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Graham offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 68, Section 71.208, Line 17, of said page by inserting after all of said line the following:

“71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term “contiguous and compact” does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term “contiguous and compact” does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term “common-interest community” shall mean a condominium as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or a planned community.

(a) A “common-interest community” shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. “Ownership of a unit” does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A “cooperative” shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A “planned community” a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least [two] **eight** percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed with the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 11, Section 50.343, Lines 3-10, of said page, by striking all of said lines; and

Further amend said bill, Page 169, Section 190.010, Lines 11 to 23 of said page, by striking said lines and inserting in lieu thereof the following: “**implied. The territory contained within the corporate limits of a proposed ambulance district shall not be required to be contiguous. Any territory which is non-contiguous within a proposed district must be located so that least a portion of the territory lies within five miles of any other portion of the territory contained within the proposed ambulance district. Notwithstanding the provisions of subsection 2 of section 190.015,** an ambulance district may include municipalities or territory not in municipalities or both or territory in one or more counties; except, that the provisions of sections 190.001 to 190.090 are not effective in counties having a population of more than four hundred thousand inhabitants at the time the ambulance district is formed. The territory contained within the corporate limits of an existing ambulance district shall not be incorporated in another ambulance district. Ambulance districts”; and

Further amend said bill, Page 200, Section 245.205, Line 3 of said page, by inserting after all of said line the following:

“246.005. **1.** Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which has, prior to April 8, 1994, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after April 8, 1994.

2. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, shall have five years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence by the circuit court having jurisdiction, and such circuit court judgment entry and order shall be deemed to have fully complied with all provisions of law relating to such extensions.”; and

Further amend said bill, page 260, Section B, line 28 of said line, by inserting after “infrastructure” the following: “and because immediate action is necessary to ensure continuation of services in a drainage or levee district after corporate dissolution, the repeal and reenactment of section 246.005 and”; and further line 32 of said page, by inserting after “constitution,” the following: “the repeal and reenactment of section 246.005”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58,

Page 118, Section 105.711, Line 18, by inserting an opening bracket “[” before the word “or”; and further amend said line by inserting a closing bracket “]” after the word “jails”; and further amend said line by inserting the following after the word “basis”:

“, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis”; and further amend said section, page 119, line 15 by striking the opening bracket “[”; and further amend line 21 by striking the closing bracket “]”; and

further amend page 120, line 24 by striking the opening bracket “[”; and further amend page 121, line 4 by striking the closing bracket “]”; and further amend line 22 by striking the opening bracket “[”; and

further amend page 122, line 2 by striking the closing bracket “]”; and further amend line 3 by striking the opening and closing brackets and all the underlined words; and further amend line 5 by striking the opening and closing brackets and all the underlined words; and further amend line 11 by striking the opening bracket “[”; and further amend line 19 by striking the closing bracket “]” and all the underlined words; and further amend lines 20-22 by striking all of said lines from the bill; and

further amend page 125, lines 7-20 by striking all of the underlined words from the bill; and further amend page 126, lines 9-14 by striking all of the underlined words from the bill.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 19, Section 54.280, Line 23, by striking the word “four” and inserting in lieu thereof the word “**five**”; and further amend said section, said page, line 26, by striking the word “four” and inserting in lieu thereof the word “**five**”; and

further amend said section, said page, line 27, by striking the word “seven” and inserting in lieu thereof the word “**nine**”; and

further amend said line by striking the word “three-fourths” and inserting in lieu thereof the word “**one-half**”; and

further amend said section, page 20, line 2, by striking the word “seven” and inserting in lieu thereof the word “**nine**”; and

further amend said section, said page, line 3, by striking the word “ten” and inserting in lieu thereof the word “**thirteen**”; and

further amend said line, by striking the words “and one-half”; and

further amend said section, said page, lines 5-8 by striking all of said lines; and

further renumber the remaining subdivision accordingly; and

further amend said page, line 11, by striking the word “two” and inserting in lieu thereof the words “**one and one-half**”.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Dolan offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 240, Section 488.2220, Line 16, by inserting immediately after said line the following:

“537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that the property was in

dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, which was designed and constructed prior to September 12, 1977, the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design standards generally accepted at the time the road or highway was designed and constructed.

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term "public entity" as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. [Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multistate compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of subsection 4 of this section erroneously interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989, to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances.]; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 33, Section 67.055, Line 9, by inserting after all of said line the following:

"67.459. The portion of the cost of any improvement to be assessed against the real property in a neighborhood improvement district shall be apportioned against such property in accordance with the benefits accruing thereto by reasons of such improvement. The cost may be assessed equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the governing body of the city or county which results in imposing substantially equal burdens or share of the cost upon property similarly benefited **and which may include, in the case of condominium or equitable owner association ownership, a determination that all units within the condominium or equitable owner association are equally benefited.** The governing body of the city or county may from time to time determine and establish by ordinance or resolution reasonable general classifications and formulae for the methods of assessing the benefits."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58,

Page 81, Section 94.270, Line 8, of said page inserting after all of said line the following:

“9. The provisions of subsections 4, 5, 6, and 7 of this section shall become effective on January 1, 2006.

10. Notwithstanding any other provision of law to the contrary, any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated within the city, which tax shall be not more than five percent of the charges paid for such sleeping rooms, in lieu of any license tax currently imposed on hotels and public boarding houses under this section. The governing body of such city shall expend all revenues derived from the tax imposed under this section to promote tourism and to defray the operational and maintenance expenses of any recreational or sporting facilities constructed in the city prior to August 28, 2005. The mayor, with the consent of the governing body, shall appoint an advisory board to assist the city in ensuring that the revenues derived from the tax imposed under this section are allocated and expended in a manner consistent with the provisions of this section. The advisory board shall consist of two members representing the hotel and motel industry, two members representing the local, general business community, and two members of the governing body.”; and

Further amend said bill, Page 55, Section 94.700, Line 40, by inserting after all of said line the following:

“94.834. 1. The governing body of any city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants, the governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, the governing body of any city of the fourth classification with more than two thousand three hundred but less than two thousand four hundred inhabitants and located in any county of the fourth classification with more than thirty-two thousand nine hundred but less than thirty-three thousand inhabitants, and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ YES

☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion failed.

Senator Koster assumed the Chair.

Senator Loudon offered SA 35:

SENATE AMENDMENT NO. 35

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58,

Page 255, Section 7, Line 6, of said page by inserting after all of said line the following:

“Section 8. If a group within any county with a charter form of government and with more than one million inhabitants desires to form a subdistrict within the transportation development district, such subdistrict may capture revenues derived from the transportation sales tax imposed under section 94.660, RSMo. In order to create a subdistrict, a petition to form such subdistrict must be approved at the discretion of the Missouri department of transportation highway transportation commission.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 36**:

SENATE AMENDMENT NO. 36

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 126, Section 105.711, Line 27, of said page, by inserting immediately after said line the following:

“115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

(1) “Automatic tabulating equipment”, the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;

(2) “Ballot”, the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;

(3) “Ballot card”, a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;

(4) “Ballot label”, the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;

(5) “Counting location”, a location selected by the election authority for the automatic processing or counting, or both, of ballots;

(6) “County”, any one of the several counties of this state or the City of St. Louis;

(7) “Disqualified”, a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;

(8) “District”, an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;

(9) “Electronic voting system”, a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, and includes computerized voting systems;

(10) “Established political party” for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office, more than two percent of the entire vote cast for the office. “Established political party” for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(11) “Federal office”, the office of presidential elector, United States senator, or representative in Congress;

(12) “Independent”, a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(13) “Major political party”, the political party whose candidates received the highest or second highest number of votes at the last general election;

(14) “Marking device”, either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device which will enable the votes to be counted by automatic tabulating equipment;

(15) “Municipal” or “municipality”, a city, village, or incorporated town of this state;

(16) “New party”, any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(17) “Nonpartisan”, a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(18) “Political party”, any established political party and any new party;

(19) "Political subdivision", a county, city, town, village, or township of a township organization county;

(20) "Polling place", the voting place designated for all voters residing in one or more precincts for any election;

(21) "Precincts", the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(22) "Public office", any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public **or city attorney in cities of the third classification or cities of the fourth classification**;

(23) "Question", any measure on the ballot which can be voted "YES" or "NO";

(24) "Relative within the first degree by consanguinity or affinity", a spouse, parent, or child of a person;

(25) "Relative within the second degree by consanguinity or affinity", a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

(26) "Special district", any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

(27) "Special election", elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

(28) "Voting district", the one or more precincts within which all voters vote at a single polling place for any election."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Wheeler offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 200, Section 245.205, Line 3, by inserting immediately after said line the following:

"247.031. 1. Territory included in a district that is not being served by such district **or to which the district has not made service available**, may be detached from such district provided that there are no outstanding [general obligation or special obligation bonds] **loans** and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such [bonds] **loans** or debt is outstanding, and the written consent of the holders of such [bonds] **loans** or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such [bonds] **loans** or debt[, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached]. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated.

2. A political subdivision, municipal corporation, or a private entity shall not build, or otherwise construct, infrastructure or other facilities within the territory served by the district for the purpose of providing water service to such territory until such time as a court issues an order granting the detachment of such territory from the district and all appeals have been exhausted. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

[2.] **3.** Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing

on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF
..... COUNTY, MISSOURI
NOTICE OF THE FILING OF A PETITION FOR
TERRITORIAL DETACHMENT FROM
PUBLIC WATER SUPPLY DISTRICT NO.
OF COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the day of, 20 ..., at,m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....
Clerk of the Circuit Court of
..... County, Missouri

[3.] 4. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

[4.] 5. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

[5.] 6. If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

[6.] 7. A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

8. The provisions of this section shall apply regardless of whether the party filing the petition is an individual, municipal corporation, or a political subdivision.”; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered SA 38:

SENATE AMENDMENT NO. 38

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 200, Section 247.060, Line 21, of said page by inserting after "2." the following: "**After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board.**

3."

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 39**:

SENATE AMENDMENT NO. 39

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, of said page by inserting immediately after all of said line the following:

"441.1009. No person shall rent or offer for rent or sale any mobile home that does not conform to the sanitation, housing, and health codes of the state or of the county or municipality in which the mobile home is located. No person shall rent or offer for rent any lot in a mobile home park that does not conform to subdivision ordinances of the county or municipality in which the mobile home park is located."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 58**, as amended, be adopted, which motion prevailed.

Senator Griesheimer was recognized to close on 3rd reading.

President Pro Tem Gibbons referred **SS** for **SCS** for **HCS** for **HB 58**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **HCS** for **HB 824**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 738**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 525**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HB 700**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 539**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 617**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 298**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 299**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 302**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 306**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 307**, entitled:

An Act to repeal sections 105.454 and 105.458, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by certain public officials and employees.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 318**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 347**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 453**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 490**, entitled:

An Act to repeal section 67.1350, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 501**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 507**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 516**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 15**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2005 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for capital improvement projects involving maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 367**.

With House Amendments 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 367, Page 3, Section 105.935, Line 48, by inserting after all of said line the following:

“7. This section is applicable to overtime earned under the Fair Labor Standards Act. This section is applicable to employees who are employed in nonexempt positions providing direct client care or custody in facilities operating on a twenty-four hour seven day a week basis in the department of corrections, the department of mental health, the division of youth services of the department of social services, and the

veterans commission of the department of public safety.

Section B. Section A of this act shall become effective on January 1, 2006.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 367, Page 1, Section A, Line 2, by inserting after all of said line the following:

“105.262. 1. As a condition of continued employment with the state of Missouri, all persons employed full time, part time, or on a temporary or contracted basis by the executive, legislative, or judicial branch shall file all state income tax returns and pay all state income taxes owed.

2. Each chief administrative officer or their designee of each division of each branch of state government shall at least one time each year check the status of every employee within the division against a database developed by the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The officer or designee shall notify any employee if the database shows any state income tax return has not been filed or taxes are owed under that employee's name or taxpayer number. Upon notification, the employee will have forty-five days to satisfy the liability or provide the officer or designee with a copy of a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or provide a copy of the **approved payroll deduction** payment plan within the forty-five days will result in immediate dismissal of the employee from employment by the state. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if an employee voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the employee shall be in violation of this section and shall be immediately dismissed as an employee of this state.**

3. The chief administrative officer of each division of the general assembly or their designee shall at least one time each year provide the name and Social Security number of every member of the general assembly to the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any member of the general assembly if the database shows any state income tax return has not been filed or taxes are owed under that member's name or taxpayer number. Upon notification, the member will have forty-five days to satisfy the liability or provide the director with a copy of a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or provide a copy of the **approved payroll deduction** payment plan within the forty-five days will result in the member's name being submitted to the appropriate ethics committee for disciplinary action deemed appropriate by the committee. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if a member voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the member shall be in violation of this section and the member's name shall be immediately submitted to the appropriate ethics committee for disciplinary action deemed appropriate by the committee.**

4. The chief administrative officer of each division of the judicial branch or their designee shall at least one time each year provide the name and Social Security number of every elected or appointed member of the judicial branch to the director of revenue to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any member if the database shows any state income tax return has not been filed or taxes are owed under that member's name or taxpayer number. Upon notification, the member will have forty-five days to satisfy the liability or provide the director with a copy of a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or provide a copy of the **approved payroll deduction** payment plan within the forty-five days will result in the member's name being submitted to the appropriate ethics body for disciplinary action deemed appropriate by that body. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if a member voluntarily suspends or**

terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the member shall be in violation of this section and the member's name shall be immediately submitted to the appropriate ethics body for disciplinary action deemed appropriate by that body.

5. The director of revenue shall at least one time each year check the status of every statewide elected official against a database developed by the director to determine if all state income tax returns have been filed and all state income taxes owed have been paid. The director shall notify any elected official if the database shows any state income tax return has not been filed or taxes are owed under that official's name or taxpayer number. Upon notification, the official will have forty-five days to satisfy the liability or agree to a payment plan approved by the director of revenue. **To satisfy this section, any approved payment plan shall be in the form of a payroll deduction.** Failure to satisfy the liability or agree to the **approved payroll deduction** payment plan within the forty-five days will result in the official's name being submitted to the state ethics commission. **Nothing in this subsection shall prohibit the director of revenue from approving modifications to an approved payroll deduction payment plan for good cause; however, if an official voluntarily suspends or terminates an approved payroll deduction without the agreement of the director of revenue before the tax liability is satisfied, then the official shall be in violation of this section and the official's name shall be immediately submitted to the state ethics commission.”;** and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 390**.

With House Amendments 1 and 3.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 390, Page 4, Section 301.567, Line 88, by deleting the words “or print” following the word broadcast.

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 390, Section 301.567, Page 4, Line 95, by inserting after all of said line, the following:

“301.700. **Notwithstanding the provisions of section 144.010, RSMo, and any other law, new and used** all-terrain vehicles **purchased from dealers or private individuals** shall be treated in the same manner as motor vehicles, pursuant to this chapter, for the purposes of transfer, titleing, perfection of liens and encumbrances, and the collection of all taxes, fees and other charges, **regardless of the purchase price**. Funds collected by the department of revenue pursuant to sections 301.700 to 301.714 shall be deposited by the director in the state treasury to the credit of the general revenue fund.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101
May 3, 2005

TO THE SECRETARY OF THE SENATE
93RD GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 69 entitled:

AN ACT

To authorize the conveyance of property owned by the state in Jackson County to the City of Kansas City, with an emergency clause.

MATT BLUNT

Governor

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 1257, regarding KJLU radio, Jefferson City, which was adopted.

Senator Dolan offered Senate Resolution No. 1258, regarding Kathy Lambert, Saint Charles, which was adopted.

Senator Graham offered Senate Resolution No. 1259, regarding William James Williamson, which was adopted.

Senator Clemens offered Senate Resolution No. 1260, regarding Mary Ruth Brooks, Marshfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1261, regarding Joseph Charles Wright, Oakville, which was adopted.

Senator Engler offered Senate Resolution No. 1262, regarding Willis M. Gunder, Farmington, which was adopted.

Senator Gross offered Senate Resolution No. 1263, regarding Phil White, St. Charles, which was adopted.

Senator Kennedy offered Senate Resolution No. 1264, regarding Matthew Garrett Brielmaier, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1265, regarding Gregory Michael Winkeler, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1266, regarding Peter David Eppestine, Mehlville, which was adopted.

Senator Klindt offered Senate Resolution No. 1267, regarding the One Hundredth Birthday of J.W. Elliott, Cowgill, which was adopted.

Senator Klindt offered Senate Resolution No. 1268, regarding Brian Kolodziejski, Trenton, which was adopted.

Senator Bray offered Senate Resolution No. 1269, regarding Matthew Melly, Clayton, which was adopted.

Senator Barnitz offered Senate Resolution No. 1270, regarding the Fiftieth Wedding Anniversary of Gilbert and Gerry Sellers, Davisville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Brandy Branson, Tiffany Zimmer, Chris Johnson and fifty-five fourth grade students from Fayette R-III Elementary School.

Senator Loudon introduced to the Senate, the Physicians of the Day, Dr. David W. Strege, M.D. and Dr. Michael DeRosa, M.D., St. Louis.

Senator Mayer introduced to the Senate, Ricky, Le Ann and Justin Kelley, Dexter.

Senator Vogel introduced to the Senate, a group of sixth grade girls from California.

Senator Bray introduced to the Senate, Joan Patton and eight eighth grade students from St. Mary Magdalen School, Brentwood.

Senator Purgason introduced to the Senate, Gregg Boyer, Roach.

Senator Alter introduced to the Senate, fourth grade students from Antonia Elementary School, Imperial; and Patrick May, Samantha Ryan and Ashley Tuepker were made honorary pages.

Senator Griesheimer introduced to the Senate, Jim, Mark, Joyce, Natalie, Tami, Chad and Mark Pollock, Sr.; Laverne and Jay Nowak and Harvey Jacquin, Washington.

Senator Gibbons introduced to the Senate, Laura Nowotny and her family, Manchester.

Senator Clemens introduced to the Senate, Mary Ruth, Joe, Joyce, John, Vickie and Wil Brooks; and Don Weaver, Marshfield.

Senator Stouffer introduced to the Senate, Rich Cole, Maria Spino, Nicholas Burt and Alicia Collins, Lexington.

Senator Loudon introduced to the Senate, seventh grade students from Incarnate Word School, Ballwin.

Senator Stouffer introduced to the Senate, Mrs. Ann Tanner and fifteen fourth grade students from Norborne Elementary School.

Senator Stouffer introduced to the Senate, Tonya Holder, Nelson; and Zach Zullig, Carrollton.

Senator Shields introduced to the Senate, Morris, Barbara and Mandy Neitman, Mound City.

Senator Loudon introduced to the Senate, fourth grade students from Claymont School,

Ballwin.

Senator Coleman introduced to the Senate, Mr. and Mrs. Bob Reich, Mr. and Mrs. Mike Szersinsky, Mr. and Mrs. John Neibling and Mr. and Mrs. Paul Dobberstein, St. Louis.

Senator Loudon introduced to the Senate, Ben and Jodi Grant and their children, Joybelle and Victoria, Hawk Point; and Allan and Laura Ann Schwarb and their children David, Anna Catherine, Thomas and Abigail, Troy.

Senator Vogel introduced to the Senate, Jonas Miller, Jefferson City; and Jonas was made an honorary page.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY–WEDNESDAY, MAY 4, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 665
HCS for HB 697
HB 880-Hughes, et al

HCS for HB 15
HCS for HB 18
HCS for HB 19

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS

SB 417-Engler, et al
SB 466-Vogel, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS (Engler)

- (In Fiscal Oversight)
2. HCS for HB 576, with SCA 1 (Nodler)
(In Fiscal Oversight)
 3. HCS for HB 461 (Griesheimer)
 4. HB 114-Johnson (47) (Wheeler)
(In Fiscal Oversight)
 5. HCS for HBs 518, 288, 418 & 635, with
SCS (Dolan) (In Fiscal Oversight)
 6. HCS#2 for HB 568 (Nodler)

 7. HCS for HB 353, with SCS (Bartle)
(In Fiscal Oversight)
 8. HCS for HB 208, with SCS (Crowell)

 9. HCS for HB 276 (Nodler)
 10. HCS for HB 64, with SCS (Crowell)
 11. HCS for HB 209, with SCS (Griesheimer)
 12. HCS for HB 824
 13. HB 738-Behnen (Scott)
 14. HCS for HB 525 (Scott)
 15. HB 700-Moore, et al
 16. HB 539-Icet, et al, with SCS (Nodler)
 17. HB 617-Kelly (144), et al, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS
(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS

(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS (pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
SS for SCS for HCS for HB 58
(Griesheimer) (In Fiscal Oversight)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 174 (Taylor)
HCS for HB 186, with SCS (Scott)
HCS for HB 334 (Crowell)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)

HCS for HB 388 (Loudon)

HCS for HB 437, with SCS (Dolan)
HCS for HB 468, with SCS (Scott)
HB 487-Bruns and Deeken, with SCS (Dolan)
HB 564-Boykins, et al (Coleman)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)

HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 307-Purgason, with HCS
SB 367-Cauthorn, with HA 1 & HA 2

SCS for SB 390-Taylor, with HA 1 & HA 3
SB 490-Koster, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HB 1-Lager, with SCS (Gross)
HCS for HB 2, with SCS (Gross)
HCS for HB 3, with SCS, as amended
(Gross)
HCS for HB 4, with SCS (Gross)
HCS for HB 5, with SCS (Gross)
HCS for HB 6, with SCS (Gross)
HCS for HB 7, with SCS, as amended
(Gross)

HCS for HB 8, with SCS, as amended
(Gross)
HCS for HB 9, with SCS (Gross)
HCS for HB 10, with SCS, as amended
(Gross)
HCS for HB 11, with SCS, as amended
(Gross)
HB 12-Lager, with SCS, as amended (Gross)
HB 13-Lager, with SCS (Gross)

Requests to Recede or Grant Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended (Senate requests House
recede or grant conference)
SS for SCS for SB 210-Griesheimer,
with HCS, as amended (Senate requests
House recede or grant conference)

SCS for SB 246-Days, with HCS
(Senate requests House
recede and pass the bill)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al
HCR 15-Baker (123) (Koster)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
SCR 17-Scott

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY— WEDNESDAY, MAY 4, 2005

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

Benjamin Franklin said, “I am in perpetual anxiety lest...an accidental quarrel, a personal insult, an imprudent order...make a breach that can never afterward be healed.” (October 6, 1774)

Gracious God, we pray in these closing days that we would always be known for who and what we are for and not who and what we are against. May we trust You who sees beyond today to guide our steps and help us clearly to be known for the openness and forgiveness we convey as we deal with each other and serve our people. Grant us patience and love to willingly protect the reputation and interest of others as we seek to do Your will this day and every day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1271, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Otto Perryman, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 665—Financial and Govern-mental Organizations and Elections.

HCS for HB 697—Transportation.

HB 880—Pensions, Veterans' Affairs and General Laws.

HCS for HB 15—Appropriations.

HCS for HB 18—Appropriations.

HCS for HB 19—Appropriations.

HOUSE BILLS ON THIRD READING

HCS for HB 461 was placed on the Informal Calendar.

HCS No. 2 for HB 568 was placed on the Informal Calendar.

HCS for HB 208, with **SCS**, was placed on the Informal Calendar.

HCS for HB 276 was placed on the Informal Calendar.

HCS for HB 64, with **SCS**, was placed on the Informal Calendar.

HCS for HB 209, with **SCS**, was placed on the Informal Calendar.

HCS for HB 824 was placed on the Informal Calendar.

HB 738 was placed on the Informal Calendar.

HCS for HB 525, entitled:

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 103.050, and 130.057, RSMo, and to enact in lieu thereof eighteen new sections relating to ethics, with penalty provisions.

Was taken up by Senator Scott.

President Kinder assumed the Chair.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 525, Page 30, Section 130.021, Line 129, by inserting

immediately after all of said line the following:

“130.032. 1. In addition to the limitations imposed pursuant to section 130.031, the amount of contributions made by or accepted from [any person other than] **candidate committees, exploratory committees, campaign committees, and continuing committees other than those continuing committees which are political party committees, excluding** the candidate, in any one election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, one thousand dollars;

(2) To elect an individual to the office of state senator, five hundred dollars;

(3) To elect an individual to the office of state representative, two hundred fifty dollars;

(4) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is under one hundred thousand, two hundred fifty dollars;

(5) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least one hundred thousand but less than two hundred fifty thousand, five hundred dollars; and

(6) To elect an individual to any other office, including judicial office, if the population of the electoral district, ward, or other unit according to the latest decennial census is at least two hundred fifty thousand, one thousand dollars.

2. For purposes of this subsection “base year amount” shall be the contribution limits prescribed in this section on January 1, 1995. Such limits shall be increased on the first day of January in each even-numbered year by multiplying the base year amount by the cumulative consumer price index, as defined in section 104.010, RSMo, and rounded to the nearest twenty-five-dollar amount, for all years since January 1, 1995.

3. [Candidate committees, exploratory committees, campaign committees and continuing committees, other than those continuing committees which are political party committees, shall be subject to the limits prescribed in subsection 1 of this section. The provisions of this subsection shall not limit the amount of contributions which may be accumulated by a candidate committee and used for expenditures to further the nomination or election of the candidate who controls such candidate committee, except as provided in section 130.052.

4.] Except as limited by this subsection, the amount of cash contributions, and a separate amount for the amount of in-kind contributions, made by or accepted from a political party committee in any one election shall not exceed the following:

(1) To elect an individual to the office of governor, lieutenant governor, secretary of state, state treasurer, state auditor or attorney general, ten thousand dollars;

(2) To elect an individual to the office of state senator, five thousand dollars;

(3) To elect an individual to the office of state representative, two thousand five hundred dollars; and

(4) To elect an individual to any other office of an electoral district, ward or unit, ten times the allowable contribution limit for the office sought.

The amount of contributions which may be made by or accepted from a political party committee in the primary election to elect any candidate who is unopposed in such primary shall be fifty percent of the amount of the allowable contributions as determined in this subsection.

[5.] 4. Contributions from persons under fourteen years of age shall be considered made by the parents or guardians of such person and shall be attributed toward any contribution limits prescribed in this chapter. Where the contributor under fourteen years of age has two custodial parents or guardians, fifty percent of the contribution shall be attributed to each parent or guardian, and where such contributor has one custodial parent or guardian, all such contributions shall be attributed to the custodial parent or guardian.

[6.] 5. Contributions received and expenditures made prior to January 1, 1995, shall be reported as a separate account and pursuant to the laws in effect at the time such contributions are received or expenditures made. Contributions received and expenditures made after January 1, 1995, shall be reported as a separate account from the

aforementioned account and pursuant to the provisions of this chapter. The account reported pursuant to the prior law shall be retained as a separate account and any remaining funds in such account may be used pursuant to this chapter and section 130.034.

[7.] **6.** Any committee which accepts or gives contributions other than those allowed shall be subject to a surcharge of one thousand dollars plus an amount equal to the contribution per nonallowable contribution, to be paid to the ethics commission and which shall be transferred to the director of revenue, upon notification of such nonallowable contribution by the ethics commission, and after the candidate has had ten business days after receipt of notice to return the contribution to the contributor. The candidate and the candidate committee treasurer or deputy treasurer owing a surcharge shall be personally liable for the payment of the surcharge or may pay such surcharge only from campaign funds existing on the date of the receipt of notice. Such surcharge shall constitute a debt to the state enforceable under, but not limited to, the provisions of chapter 143, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 525, Page 43, Section 130.062, Line 11, by inserting after all of said line the following:

“Section 1. The Missouri ethics commission shall study the effectiveness of current campaign contribution limits, independent expenditures and the current system of regulating campaign committees, political party committees and other continuing committees. The commission shall hold hearings and elicit testimony on how the current campaign finance system can be improved. The commission shall report its findings to the general assembly no later than January 1, 2006. The provisions of this section shall expire on January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above substitute amendment be adopted.

Senator Callahan raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 525, Page 43, Section 130.062, Line 11, by inserting immediately after said line the following

“Section 1. 1. Any person who is selected or appointed by the state director of revenue to act as an agent of the department of revenue, whose duties shall be the sale of motor vehicle licenses and the collection of motor vehicle sales and use taxes under the provisions of section 144.440, RSMo, and who receives no salary from the department of revenue, and any spouse of such a person, shall submit to the ethics commission no later than fifteen days after the end of each calendar quarter all contributions made to any political party committee as established by section 115.603 and all contributions made to any campaign committee, candidate committee, continuing committee or connected organization as defined by section 130.011. For the purposes of this section, the term contribution shall have the same meaning as that defined in section 130.011.

2. The ethics commission is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August

28, 2005 shall be invalid and void.”

And further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wheeler	Wilson—11	

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—23	

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 525, Page 19, Section 105.963, Line 59, by inserting after all of said line the following:

“115.315. 1. Sections 115.315 to 115.327 shall be known and may be cited as the “Fair Ballot Access Act”.

2. Any group of persons desiring to form a new political party throughout the state, or for any congressional district, state senate district, state representative district or circuit judge district, shall file a petition with the secretary of state. Any group of persons desiring to form a new party for any county shall file a petition with the election authority of the county.

3. Each page or a sheet attached to each page of each petition for the formation of a new political party shall:

(1) Declare concisely the intention to form a new political party in the state, district or county;

(2) State in not more than five words the name of the proposed party;

(3) [If presidential electors are to be nominated by petition, at least one qualified resident of each congressional

district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled, and the name of their candidate for president and the name of their candidate for vice president shall be printed on each page or a sheet attached to each page of the petition. The names of the candidates for president and vice president may be added to the party name, but the names of the candidates for president and vice president shall not be printed on the official ballot without the written consent of such persons. Their written consent shall accompany and be deemed part of the petition;

(4)] Give a complete list of the names and addresses, including the street and number, of the chairman and treasurer of the party.

4. When submitted for filing, each petition shall contain the names and addresses of two people, not candidates, to serve as provisional chairman and treasurer for the party in the event the party becomes a new political party.

5. If the new party is to be formed for the entire state, which shall include being formed for all districts and counties in which the party has nominations so listed on its certified list of candidates required pursuant to section 115.327, then this statewide petition shall be signed by at least ten thousand registered voters of the state obtained at large.

6. If the new party is to be formed for any district or county, but not by the statewide method set out in subsection 5 of this section, then the petition shall be signed by the number of registered voters in the district or county which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought or is equal to ten thousand voters, whichever is less.

115.327. When submitted for filing, each petition for the nomination of an independent candidate or for the formation of a new political party shall be accompanied by a declaration of candidacy for each candidate to be nominated by the petition or by the party, respectively. The party's duly authorized chairman and treasurer shall also submit a certified complete list of the names and addresses of all their candidates and the office for which each seeks. The party shall nominate its candidates in the manner prescribed in the party's bylaws. **If presidential electors are to be nominated, at least one qualified resident of each congressional district shall be named as a nominee for presidential elector. The number of candidates to be nominated shall equal the number of electors to which the state is entitled.** Each declaration of candidacy for the office of presidential elector shall be in the form provided in section 115.399. Each declaration of candidacy for an office other than presidential elector shall state the candidate's full name, residence address, office for which he proposes to be a candidate, the party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident and registered voter of the precinct of the town of or the precinct of the ward of the city of, or the precinct of township of the county of and the state of Missouri, do announce myself a candidate for the office of on the ticket, to be voted for at the general (special) election to be held on the day of, 20..., and I further declare that if nominated and elected I will qualify.

..... Subscribed and sworn to
Signature of candidate before me this
day of, 20.....

.....
Residence address Signature of election
official or officer
authorized to administer
oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official accepting the candidate's petition, a notary public or other officer authorized by law to administer oaths.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 525, Page 2, Section 105.473, Line 4, by inserting immediately after the word “commission” the following “; **provided, however, that no parent, sibling, or child of a statewide elected official shall be eligible to register under this section.**”

Senator Coleman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Green and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman
Days	Dougherty	Graham	Green
Kennedy	Wheeler—10		

NAYS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—22		

Absent—Senators

Gibbons	Wilson—2
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Absent with leave—Senators—
None

Vacancies—None

Senator Loudon offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5Amend House Committee Substitute for House Bill No. 525, Page 36, Section 130.041, Line 13, by inserting after the word “quarter” the following:

“, except that the April quarterly report shall be considered timely filed if received by April 20th”.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **SA 5** was withdrawn.

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 525, Page 19, Section 105.963, Line 59, by inserting immediately after said line the following:

“115.157. 1. The election authority may place all information on any registration cards in computerized form in accordance with section 115.158. No election authority or secretary of state shall furnish to any member of the public

electronic media or printout showing any registration information, except as provided in this section. Except as provided in subsection 2 of this section, the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, **date of voter registration**, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;
- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district;
- (20) Date of voter registration.**

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the Missouri voter registration system established in section 115.158. In addition, election authorities shall forward registration and other data in a manner prescribed by the secretary of state to comply with the Help America Vote Act of 2002. Except as provided in subsection 2 of this section, the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. Except as provided in subsection 2 of this section, all election authorities shall make the information described in this section available pursuant to chapter 610, RSMo. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

2. Any person working as an undercover officer of a local, state or federal law enforcement agency, persons in witness protection programs, and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections

pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HCS** for **HB 525**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1** and has taken up and passed **CCS** for **SCS** for **HB 1**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on SCS for **HB 1**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1.
2. That the House recede from its position on House Bill No. 1.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Chuck Purgason
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Jodi Stefanick
/s/ Paul LeVota
/s/ Brad Robinson

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—

None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HB 1**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 1

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 972**, entitled:

An Act to repeal sections 577.001 and 577.023, RSMo, and to enact in lieu thereof three new sections relating to intoxication-related traffic offenses, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 789**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 192**, entitled:

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof two new sections relating to waste tires, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HCS** for **SCS** for **SB 246**, and has again taken up and passed **SCS** for **SB 246**.

Bill ordered enrolled.

On motion of Senator Shields, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 170**.

Emergency clause adopted.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.

2. That the House recede from its position on House Committee Substitute for House Bill No. 2.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Chuck Purgason
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Jodi Stefanick
Paul LeVota
Sue Schoemehl

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wheeler—29

NAYS—Senators

Barnitz	Bray	Callahan	Wilson—4
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Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2**

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, the several divisions and programs thereof, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wheeler—29

NAYS—Senators

Barnitz	Bray	Callahan	Wilson—4
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Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 487, with **SCS**, introduced by Representatives Bruns and Deeken, entitled:

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to emergency vehicles, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Dolan.

SCS for **HB 487**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 487 An Act to repeal sections 43.530, 136.055, 144.025, 168.133, 301.020, 301.025, 301.129, 301.190, 301.215, 301.290, 301.300, 302.177, 302.735, 304.022, RSMo, section 301.130 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 301.130 as enacted by senate committee substitute for house bill no. 491, ninety-second general assembly, first regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969, ninety-second general assembly, second regular session, and to enact in lieu thereof twenty new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Dolan moved that **SCS** for **HB 487** be adopted.

Senator Dolan offered **SS** for **SCS** for **HB 487**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 487

An Act to repeal sections 8.177, 43.530, 136.055, 144.025, 168.133, 260.218, 300.330, 301.010, 301.020, 301.025, 301.129, 301.190, 301.215, 301.290, 301.300, 301.301, 302.177, 302.510, 302.530, 302.735, 304.022, 304.155, 307.180, 577.041, RSMo, section 301.130 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 301.130 as enacted by senate committee substitute for house bill no. 491, ninety-second general assembly, first regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969, ninety-second general assembly, second regular session, and to enact in lieu thereof thirty-six new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

Senator Dolan moved that **SS** for **SCS** for **HB 487** be adopted.

Senator Nodler assumed the Chair.

Senator Dolan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 69, Section 301.894, Lines 2-3 of said page, by striking all of said lines and inserting in lieu thereof the following: "**certificate of title, provided such dealer complies with the following:**".

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Vogel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 4, Section 8.177, Line 4 of said page, by inserting after “the” as it appears the second time the following: “**state**”.

Senator Vogel moved that the above amendment be adopted, which motion prevailed.

Senator Vogel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 11, Section 136.055, Line 1 of said page, by inserting after all of said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;
- (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision, **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;** and
- (8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverts, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:
 - (a) The right of the interstate compact agency to use, control, and possess the property is terminated;
 - (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and
 - (c) There are no provisions for reverter of the property within the limitation period for reverts.”; and

Further amend the title and enacting clause accordingly.

Senator Vogel moved that the above amendment be adopted, which motion prevailed.

Senator Taylor offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 68, Section 301.302, Line 6, of said page, by inserting immediately after said line the following:

“301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:

- (1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a “new

motor vehicle” as defined in section 301.550;

(2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term “used”, or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms “list price”, “sticker price”, or “suggested retail price” shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the “manufacturer's suggested retail price” of the advertised vehicle;

(6) Terms such as “at cost”, “\$..... above cost” shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale. Terms such as “invoice price”, “\$..... over invoice” may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, “manufacturer's factory invoice” means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges;

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) Advertisements which offer to match or better any competitors' prices shall not be used;

(9) Advertisements of “dealer rebates” shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

(10) “Free”, “at no cost” shall not be used if any purchase is required to qualify for the “free” item, merchandise, or service;

(11) “Bait advertising”, in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

(a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;

(b) Advertising a motor vehicle at a specified price, including such terms as “as low as \$.....”, but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

(12) Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:

(a) Whether the payment or other information relates to a financing or a lease transaction;

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, “first-time buyer” discounts, “college graduate” discounts, and a statement concerning whether the advertised terms are subject to credit approval;

(c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether

the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;

(13) Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;

(14) Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;

(15) No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail. **If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under subdivision (3) of subsection 1 of this section by reference to an Internet web page or toll-free telephone number containing the information required to be disclosed.**

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560.”; and

Further amend the title and enacting clause accordingly.

Senator Taylor moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HB 487**, as amended, be adopted, which motion prevailed.

Senator Dolan was recognized to close on the 3rd reading motion.

President Pro Tem Gibbons referred **SS** for **SCS** for **HB 487**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SB 367**, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—None

HA 2 was taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Cauthorn, **SB 367**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Cauthorn, title to the bill was agreed to.
Senator Cauthorn moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.
Senator Koster moved that **SB 490**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 490**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 490

An Act to repeal section 67.1350, RSMo, and to enact in lieu thereof one new section relating to annexation procedures for cities and towns.

Was taken up.

Senator Koster moved that **HCS** for **SB 490** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

President Pro Tem Gibbons assumed the Chair.

Senator Nodler assumed the Chair.

On motion of Senator Koster, **HCS** for **SB 490** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS No. 2** for **SB 155**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 210**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 3.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Chuck Purgason
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Jodi Stefanick
Barbara Fraser
Judy Baker

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education, the several divisions, programs, and institutions of higher education included therein, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 210**, as amended: Senators Griesheimer, Taylor, Crowell, Wilson and Kennedy.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS No. 2** for **SB 155**, as amended: Senators Mayer, Nodler, Engler, Wilson and Days.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 210** as amended. Representatives: Johnson (47), Schneider, Smith (118), Wagner and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS No. 2** for **SB 155** as amended. Representatives: Kingery, Pratt, Sander, Donnelly and Johnson (90).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
2. That the House recede from its position on House Committee Substitute for House Bill No. 4.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

FOR THE HOUSE:

/s/ Brad Lager

/s/ Gary Nodler

/s/ Allen Icet

/s/ Chuck Purgason

/s/ Jodi Stefanick

/s/ Pat Dougherty

/s/ Wes Shoemyer

/s/ Timothy P. Green

/s/ Robin Wright-Jones

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Graham—1

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, Department of Transportation, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
2. That the House recede from its position on House Committee Substitute for House Bill No. 5.

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ Charles R. Gross
- /s/ Gary Nodler
- /s/ Chuck Purgason
- /s/ Pat Dougherty
- /s/ Timothy P. Green

FOR THE HOUSE:

- /s/ Brad Lager
- /s/ Allen Icet
- /s/ Jodi Stefanick
- /s/ Wes Shoemyer
- /s/ Al Liese

President Pro Tem Gibbons assumed the Chair.
Senator Ridgeway assumed the Chair.

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Days—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Days—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HBs 500** and **533**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 863**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 116**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 508**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 530**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HCS No. 2** for **HBs 94** and **185**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6.
2. That the House recede from its position on House Committee Substitute for House Bill No. 6.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

FOR THE HOUSE:

/s/ Brad Lager

/s/ Gary Nodler

/s/ Allen Icet

/s/ Chuck Purgason

/s/ Jodi Stefanick

/s/ Pat Dougherty

/s/ Wayne J. Henke

/s/ Timothy P. Green

/s/ Terry L. Witte

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the Office of Administration, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2005 and

ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 7

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House

Bill No. 7, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, as amended.
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 7.
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Charles R. Gross	/s/ Brad Lager
/s/ Gary Nodler	/s/ Allen Icet
/s/ Chuck Purgason	/s/ Jodi Stefanick
/s/ Pat Dougherty	/s/ Michael Spreng
/s/ Timothy P. Green	/s/ Amber Boykins

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 8

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 8.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Chuck Purgason
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Jodi Stefanick
/s/ Ed Wildberger
/s/ Jeff Roorda

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, the several divisions and programs thereof, and the Office of Administration, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1272, regarding Joel Franklin Marion Preston, Neosho, which was adopted.

Senator Nodler offered Senate Resolution No. 1273, regarding Aaron Matthew Preston, Neosho, which was adopted.

Senator Green offered Senate Resolution No. 1274, regarding Deloris J. Alford-Norfolk, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 1275, regarding Mr. and Mrs. Aaron Matthew Baker, which was adopted.

Senator Stouffer offered Senate Resolution No. 1276, regarding Lloyd Gittemeier, which was adopted.

Senator Stouffer offered Senate Resolution No. 1277, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee Widhalm, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 1278, regarding the City of Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1279, regarding Councillor Russell Lord, Richmond, North Yorkshire, England, which was adopted.

Senator Stouffer offered Senate Resolution No. 1280, regarding Mr. and Mrs. Nathan Lee Vroman, which was adopted.

Senator Stouffer offered Senate Resolution No. 1281, regarding Mr. and Mrs. Lee J. Wilkens, which was adopted.

Senator Stouffer offered Senate Resolution No. 1282, regarding Mr. and Mrs. Robert Lee Ashford, which was adopted.

Senator Stouffer offered Senate Resolution No. 1283, regarding Dr. Roger Lembke, which was adopted.

Senator Stouffer offered Senate Resolution No. 1284, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Henke, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1285, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hugh Cannon, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1286, regarding Mr. and Mrs. Trenton Nivert Monnig, which was adopted.

Senator Vogel offered Senate Resolution No. 1287, regarding Stacy Lynn Pierson, Jamestown, which was adopted.

Senator Dolan offered Senate Resolution No. 1288, regarding Lieutenant Colonel William O. Ratliff, Jefferson City, which was adopted.

Senator Engler offered Senate Resolution No. 1289, regarding Annette Portell, which was adopted.

Senator Engler offered Senate Resolution No. 1290, regarding Branson Merrill, which was adopted.

Senator Engler offered Senate Resolution No. 1291, regarding Cynthia Briley, which was adopted.

Senator Engler offered Senate Resolution No. 1292, regarding Ken Bryant, which was adopted.

Senator Engler offered Senate Resolution No. 1293, regarding Susan Faenger, which was adopted.

Senator Mayer offered Senate Resolution No. 1294, regarding Tom Frazier, Dexter, which was adopted.

Senator Loudon offered Senate Resolution No. 1295, regarding Jim Haven, Town and Country, which was adopted.

Senator Loudon offered Senate Resolution No. 1296, regarding John J. Diehl, Jr., Town and Country, which was adopted.

Senator Loudon offered Senate Resolution No. 1297, regarding Ron Baum, Town and Country, which was adopted.

Senator Loudon offered Senate Resolution No. 1298, regarding Suzanne Shelton, Ballwin, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

May 4, 2005

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Change in Appointment to Jt. Committee on Economic Development Policy and Planning

Dear Mrs. Spieler:

Pursuant to section 21.810.1 of the Revised Statutes of Missouri (RSMo 2002), please be advised I am **removing** Senator Norma Champion from said committee, and **appointing** the following senator:

Senator Rob Mayer

If you have any questions regarding this matter, please contact my office.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Mike and Amy Mann, Joplin; and Betty Dodson, Neosho.

Senator Bray introduced to the Senate, Patrick, Patrick, Jr., Sarah, Christa and Mia Barrett, Des Peres; and Patrick and Sarah were

made honorary pages.

Senator Scott introduced to the Senate, Alyssa Nelson, Warsaw.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

Senator Ridgeway introduced to the Senate, Abigail Jasinsky and Elizabeth You, Kansas City; Mary and Brittany Sanders and Dominique Giordano, Gladstone; and Samantha Jacobson, Fayette; and Abigail, Elizabeth, Brittany, Dominique and Samantha were made honorary pages.

Senator Stouffer introduced to the Senate, Nikki Crawford, Excelsior Springs; and Aaron Keck, Lee's Summit.

Senator Coleman introduced to the Senate, Dr. Creg Williams, St. Louis.

Senator Gibbons introduced to the Senate, fourth grade students from Clark Elementary School, Webster Groves.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Thursday, May 5, 2005.

SENATE CALENDAR

SIXTY-FIFTH DAY—THURSDAY, MAY 5, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 972
HB 789-Salva, et al

HCS for HB 192

SENATE BILLS FOR PERFECTION

SB 542-Callahan

SB 326-Nodler, with SCS
SB 417-Engler, et al
SB 466-Vogel, with SCS
SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS (Engler) (In Fiscal Oversight)
2. HCS for HB 576, with SCA 1 (Nodler) (In Fiscal Oversight)
3. HB 114-Johnson (47) (Wheeler) (In Fiscal Oversight)
4. HCS for HBs 518, 288, 418 & 635, with SCS (Dolan) (In Fiscal Oversight)
5. HCS for HB 353, with SCS (Bartle) (In Fiscal Oversight)
6. HB 700-Moore, et al (Cauthorn)
7. HB 539-Icet, et al, with SCS (Nodler)
8. HB 617-Kelly (144), et al, with SCS (Purgason)
9. HCS for HB 15-Lager (Gross)
10. HCS for HB 18-Lager (Gross)
11. HCS for HB 19-Lager, with SCS (Gross)
12. HCS for HBs 500 & 533, with SCS
13. HCS for HB 863, with SCS
14. HB 116-Deeken, et al
15. HB 530-Moore, et al (Loudon)
16. HCS#2 for HBs 94 & 185

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS
(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS (pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
SS for SCS for HCS for HB 58
(Griesheimer) (In Fiscal Oversight)

HCS for HB 64, with SCS (Crowell)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 174 (Taylor)
HCS for HB 186, with SCS (Scott)
HCS for HB 208, with SCS (Crowell)
HCS for HB 209, with SCS (Griesheimer)
HCS for HB 276 (Nodler)
HCS for HB 334 (Crowell)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)

HCS for HB 388 (Loudon)
HCS for HB 437, with SCS (Dolan)
HCS for HB 461 (Griesheimer)
HCS for HB 468, with SCS (Scott)
SS for SCS for HB 487-Bruns and Deeken
(Dolan) (In Fiscal Oversight)
HB 564-Boykins, et al (Coleman)
HCS#2 for HB 568 (Nodler)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)
HB 738-Behnen (Scott)
HCS for HB 824 (Klindt)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)

HB 323-Johnson (47) (Shields)
HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 307-Purgason, with HCS

SCS for SB 390-Taylor,
with HA 1 & HA 3

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended
SS for SCS for SB 210-Griesheimer, with
HCS, as amended
HCS for HB 9, with SCS (Gross)
HCS for HB 10, with SCS, as amended
(Gross)

HCS for HB 11, with SCS,
as amended (Gross)
HB 12-Lager, with SCS,
as amended (Gross)
HB 13-Lager, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al
HCR 15-Baker (123) (Koster)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
SCR 17-Scott

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY— THURSDAY, MAY 5, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“You have made us for Yourself, and our hearts are restless until they rest in You.” (St. Augustine)

The week has been filled with so many activities, some fun but so many more crammed with final decisions and finding ways to bring understanding and compromise that will provide the greater good for all our people. Dear Lord, bless our efforts as we seek to complete that which must be done and help us find rest in You this weekend so that we may know Your perfect peace and share it with those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1299, regarding Lindsey M. Arbuthnot, which was adopted.

Senator Gross offered Senate Resolution No. 1300, regarding Cory R. Done, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1301, regarding Sean O'Donnell, North Kansas City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

HOUSE BILLS ON THIRD READING

HB 700 was placed on the Informal Calendar.

HB 539, with **SCS**, was placed on the Informal Calendar.

HB 617, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 15**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2005 and ending June 30, 2007.

Was taken up by Senator Gross.

On motion of Senator Gross, **HCS** for **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

Vacancies—None

The President declared the bill passed.
On motion of Senator Gross, title to the bill was agreed to.
Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 18, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up by Senator Gross.

On motion of Senator Gross, **HCS for HB 18** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Green—1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 19, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

Was taken up by Senator Gross.

SCS for HCS for HB 19, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 19An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

Was taken up.

Senator Gross moved that **SCS for HCS for HB 19** be adopted.

Senator Barnitz offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 19, Page 3, Section 19.059, Line 5, by deleting the number “1” and inserting in lieu thereof the number “550,000” and adjust bill totals accordingly.

Senator Barnitz moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Crowell offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 19, Page 1, Line 2, by adding at the end of said line the following: “; and

Further amend said section, line 4, by adding after the words: “Leonard Wood” the following: “, provided that no former member of the general assembly be employed by the Missouri Veteran’s Commission”.

Senator Crowell moved that the above amendment be adopted.

Senator Coleman raised the point of order that **SA 1** to **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 1 to **SA 1** was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed on a standing division vote.

SA 1, as amended, was again taken up.

Senator Griesheimer assumed the Chair.

Senator Coleman requested a roll call vote be taken and was joined in her request by Senators Barnitz, Callahan, Green and Wheeler.

President Kinder assumed the Chair.

SA 1, as amended, failed of adoption by the following vote:

YEAS—Senators

Graham	Wheeler	Wilson—7	
	NAYS—Senators		
Alter	Bartle	Cauthorn	Champion
Clemens	Crowell	Dolan	Dougherty
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—25			
	Absent—Senators		
Bray	Mayer—2		
	Absent with leave—Senators— None		
	Vacancies—None		

Senator Gross moved that **SCS** for **HCS** for **HB 19** be adopted, which motion prevailed.
 On motion of Senator Gross, **SCS** for **HCS** for **HB 19** was read the 3rd time and passed by the following vote:

	YEAS—Senators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			
	NAYS—Senator Griesheimer —1		
	Absent—Senators—None		
	Absent with leave—Senators—		

None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 500** and **533**; and **HCS No. 2** for **HBs 94** and **185** to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 9

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Chuck Purgason
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Jodi Stefanick
/s/ Michael Brown
/s/ Ed Wildberger

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
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Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Graham—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the Office of Administration and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 10

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Chuck Purgason

/s/ Pat Dougherty

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager

/s/ Allen Icet

/s/ Jodi Stefanick

Margaret Donnelly

Yaphett El-Amin

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler—27	

NAYS—Senators

Barnitz	Callahan	Engler	Graham
Wilson—5			

Absent—Senators

Gibbons	Klindt—2
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Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee, the Commission for the Missouri Senior Rx Program, and the Office of Administration to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Gibbons
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler—29			

NAYS—Senators

Barnitz	Callahan	Engler	Graham
Wilson—5			

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Gross, title to the bill was agreed to.
Senator Gross moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 174**, entitled:

An Act to repeal sections 339.100, 339.710, 339.720, and 339.780, RSMo, and to enact in lieu thereof four new sections relating to real estate agents and brokers.

Was called from the Informal Calendar and taken up by Senator Taylor.

On motion of Senator Taylor, **HCS** for **HB 174** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Graham—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 576**, with **SCA 1**; **SS** for **SCS** for **HB 487**; and **SS** for **SCS** for **HCS** for **HB 58**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HB 700, introduced by Representative Moore, et al, entitled:

An Act to repeal sections 217.690 and 565.092, RSMo, and to enact in lieu thereof three new sections relating to the department of corrections, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Cauthorn.

Senator Mayer assumed the Chair.

Senator Koster assumed the Chair.

On motion of Senator Cauthorn, **HB 700** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senator
Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 576, with SCA 1, entitled:

An Act to repeal sections 536.010, 536.050, 536.100, 536.140, 536.300, 536.305, and 536.310, RSMo, and to enact in lieu thereof eleven new sections relating to small business.

Was taken up by Senator Nodler.

SCA 1 was taken up.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 576, Page 1, Section A, Line 4, by inserting after all of said line the following:

“103.003. As used in sections 103.003 to 103.175, the following terms mean:

(1) “Actuarial reserves”, the necessary funding required to pay all the medical expenses for services provided to members of the plan but for which the claims have not yet been received by the claims administrator;

(2) “Actuary”, a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974;

(3) “Agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity or instrumentality;

(4) “Alternative delivery health care program”, a plan of covered benefits that pays medical expenses through an alternate mechanism rather than on a fee-for-service basis. This includes, but is not limited to, health maintenance organizations and preferred provider organizations, all of which shall include chiropractic physicians licensed under chapter 331, RSMo, in the provider networks or organizations;

(5) “Board”, the board of trustees of the Missouri consolidated health care plan;

(6) “Claims administrator”, an agency contracted to process medical claims submitted from providers or members of the plan and their dependents;

(7) “Coordination of benefits”, to work with another group-sponsored health care plan which also covers a member of the plan to ensure that both plans pay their appropriate amount of the health care expenses incurred by the member;

(8) “Covered benefits”, a schedule of covered services, including chiropractic services, which are payable under the plan;

(9) “Employee”, any person employed full time by the state or a participating member agency, or a person eligible

for coverage by a state-sponsored retirement system or a retirement system sponsored by a participating member agency of the plan;

(10) “Evidence of good health”, medical information supplied by a potential member of the plan that is reviewed to determine the financial risk the person represents to the plan and the corresponding determination of whether or not he or she should be accepted into the plan;

(11) “Health care plan”, any group medical benefit plan providing coverage on an expense-incurred basis, any HMO, any group service or indemnity contract issued by a health plan of any type or description;

(12) “Medical benefits coverages” shall include services provided by chiropractic physicians as well as physicians licensed under chapter 334, RSMo;

(13) “Medical expenses”, costs for services performed by a provider and covered under the plan;

(14) “Missouri consolidated health care plan benefit fund account”, the benefit trust fund account containing all payroll deductions, payments, and income from all sources for the plan;

(15) “Officer”, an elected official of the state of Missouri;

(16) “Participating member agency”, a state-sponsored institution of higher learning, political subdivision or governmental entity that has elected to join the plan and has been accepted by the board;

(17) “Plan year”, a twelve-month period designated by the board which is used to calculate the annual rate categories and the appropriate coverage;

(18) “Provider”, a physician, hospital, pharmacist, psychologist, chiropractic physician or other licensed practitioner who or which provides health care services within the respective scope of practice of such practitioner pursuant to state law and regulation;

(19) “Retiree”, a person who is not an employee and is receiving or is entitled to receive an annuity benefit from a state-sponsored retirement system or a retirement system of a participating member agency of the plan or becomes eligible for retirement benefits because of service with a participating member agency.

(20) “Small employer”, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than fifty persons during the preceding calendar year and who employs at least one person on the first day of the plan year. A small employer includes a sole proprietor and a partner of a partnership.

103.005. For the purpose of covering medical expenses of the officers, employees and retirees, the eligible dependents of officers, employees and retirees and to the surviving spouses and children of deceased officers, employees and retirees of the state and participating member agencies of the state, **and for the purpose of covering medical expenses of the small employer health plans**, there is hereby created and established a health care plan which shall be a body corporate, which shall be under the management of the board of trustees herein described, and shall be known as the “Missouri Consolidated Health Care Plan”. Notwithstanding any provision of law to the contrary, such plan may sue and be sued, transact business, contract, invest funds and hold cash, securities and other property and shall be vested with such other powers as may be necessary or proper to enable it, its officers, employees, and agents to carry out fully and effectively all the purposes of sections 103.003 to 103.175.

103.036. The board shall set up and maintain a benefit trust fund account in which shall be placed all payroll deductions, payments, and income from all sources **other than premiums, payments, or other income from coverage provided to small employers, which shall be maintained in a separate benefit trust fund account**. All property, money, funds, investments, and rights which shall belong to or be available for expenditure or use by the plan shall be dedicated to and held in trust for the members and for the purposes herein set out and no other. The board shall have power, in the name and on behalf of the plan, to purchase, acquire, hold, invest, lend, lease, sell, assign, transfer, and dispose of all property, rights, and securities, and enter into written contracts as may be necessary and proper to carry out its duties.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

On motion of Senator Nodler, **HCS for HB 576**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

NAYS—Senators

Bray	Coleman	Dougherty	Graham
Green	Wheeler	Wilson—7	

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 58**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 58**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Barnitz

Bray

Green—3

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter

Bartle

Callahan

Cauthorn

Champion

Clemens

Coleman

Crowell

Dolan

Dougherty

Gibbons

Graham

Griesheimer

Gross

Kennedy

Klindt

Koster

Loudon

Mayer

Nodler

Purgason

Ridgeway

Scott

Shields

Stouffer

Taylor

Vogel

Wheeler

Wilson—29

NAYS—Senators

Barnitz

Bray

Engler

Green—4

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HB 487**, as amended, be called from the Informal Calendar and again

taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 487**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

On motion of Senator Dolan, title to the bill was agreed to.
Senator Dolan moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 11

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

/s/ Gary Nodler

/s/ Chuck Purgason

Pat Dougherty

Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager

/s/ Allen Icet

/s/ Jodi Stefanick

Margaret Donnelly

Yaphett El-Amin

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

NAYS—Senators

Alter	Barnitz	Bray	Callahan
Coleman	Dougherty	Engler	Graham
Green	Kennedy	Wheeler	Wilson—12

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

NAYS—Senators

Alter	Barnitz	Bray	Callahan
Coleman	Dougherty	Engler	Graham
Green	Kennedy	Wheeler	Wilson—12

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 12**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 12**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 12**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

**CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 12, as amended, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 12, as amended.
2. That the House recede from its position on House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross

FOR THE HOUSE:

/s/ Brad Lager

/s/ Gary Nodler

/s/ Allen Icet

/s/ Chuck Purgason

/s/ Jodi Stefanick

Pat Dougherty

Paul LeVota

/s/ Timothy P. Green

Rachel Storch

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Crowell	Dolan
Engler	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senators

Barnitz	Callahan	Coleman	Dougherty
Graham—5			

Absent—Senators—None

Absent with leave—Senator
Days—1

Vacancies—None

On motion of Senator Gross, **CCS** for **SCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries

and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Cauthorn
Champion	Clemens	Crowell	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senators

Barnitz	Callahan	Coleman	Dougherty—4
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Absent—Senator Dolan—1

Absent with leave—Senator
Days—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 284**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 284**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 284**

An Act to amend chapter 348, RSMo, by adding thereto three new sections relating to the Dairy Herd Development Revolving Fund.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 284** be adopted.

At the request of Senator Cauthorn, **SB 284**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 13** and has taken up and passed **CCS** for **SCS** for **HB 13**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 13**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 13, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 13.
2. That the House recede from its position on House Bill No. 13.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Charles R. Gross
/s/ Gary Nodler
/s/ Chuck Purgason
/s/ Pat Dougherty
/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Brad Lager
/s/ Allen Icet
/s/ Jodi Stefanick
Paul LeVota
Rachel Storch

President Pro Tem Gibbons assumed the Chair.

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Cauthorn	Champion
Clemens	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Vogel—25

NAYS—Senators

Bray	Callahan	Coleman	Graham
Wheeler	Wilson—6		
	Absent—Senator Crowell—1		
	Absent with leave—Senators		
Bartle	Days—2		
	Vacancies—None		

Senator Koster assumed the Chair.
On motion of Senator Gross, **CCS** for **SCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture, and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2005 and ending June 30, 2006.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Cauthorn	Champion
Clemens	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—25			

NAYS—Senators

Bray	Callahan	Coleman	Graham
Wheeler	Wilson—6		
	Absent—Senator Crowell—1		
	Absent with leave—Senators		
Bartle	Days—2		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Donna Beck Smith and Jeffrey L. Fox, as members of the Life Sciences Research Committee;

Also,

Patrick J. Barrett, as a member of the Missouri Horse Racing Commission;

Also,

Gloria J. Carter-Hicks and Richard L. Payne, as members of the Missouri Training and Employment Council;

Also,

Louis B. Eckelkamp and Nelson C. Grumney, Jr., as members of the Missouri Development Finance Board;

Also,

David L. Gourley, D.V.M., as a member of the Missouri Veterinary Medical Board;

Also,

William Miller, Jr. and Anita T. Yeckel, as members of the Board of Election Commissioners for Saint Louis County;

Also,

Richard Dennis Voisey, as a member of the Air Conservation Commission;

Also,

Harold E. James and Cathy E. Stroud, as members of the Credit Union Commission;

Also,

Jeffrey Appleman, D.P.M., as a member of the State Board of Podiatric Medicine;

Also,

James E. Ricks, as a member of the Missouri Higher Education Loan Authority;

Also,

Silvey J. Barker, as a member of the Mississippi River Parkway Commission;

Also,

Thomas J. Fritzlen, Jr., James B. Kelly, Jr., M.D., Tim J.P. Cooper, M.D. and Charles A. Bowen, M.D. as members of the Advisory Commission for Anesthesiologist Assistants;

Also,

Ronald G. Hardecke, as a member of the Clean Water Commission;

Also,

David H. Pikka, as a member of the Peace Officer Standards and Training Commission;

Also,

Andrew K. Kapp, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Paul D. Bloch and Duncan E. Kincheloe, III, as members of the Personnel Advisory Board;

Also,

Duane E. Schreimann, as a member of the Coordinating Board for Higher Education;

Also,

Melvin F. Schebaum, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Michael L. Kehoe, as a member of the State Highways and Transportation Commission;

Also,

Thomas N. Wapelhorst and Kevin F. Kast, as members of the Saint Charles County Convention and Sports Facilities Authority;

Also,

Darryl T. Jones, as a member of the Missouri Gaming Commission;

Also,

Richard D. Schooler, D.O., as a member of the State Board of Registration for the Healing Arts;

Also,

Donald R. England, as a member of the Interior Design Council;

Also,

Susan B. Williamson, as a member of the Hazardous Waste Management Commission;

Also,

Ronald M. Alexander, as a member of the State Advisory Council on Emergency Medical Services.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 417**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf on Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Shields submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 832**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 498**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 196**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 440**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 320**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **HCS** for **HB 19** and has taken up and passed **SCS** for **HCS** for **HB 19**.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 3, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 27, 2005 for your advice and consent:

John G. Harper, M.Ed., CRC, LPC, 2813 Burrwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, John G. Harper, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 3, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 27, 2005 for your advice and consent:

Jeffrey A. Marlow, 1100 La Guille Court, Apartment B, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2007, and until his successor is duly appointed and qualified; vice, Jeffrey A. Marlow, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 3, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office submitted to you on March 16, 2005 for your advice and consent:

Douglas A. Albrecht, Republican, 550 Barnes Road, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Robert Blitz, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
May 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Joncee Nodler to the Public School Retirement System of Missouri Board of Trustees, submitted on April 27, 2005. Line 3 should be amended as follows:

“Board of Trustees, for a term ending June 30, 2009, and until her”

Respectfully submitted,
MATT BLUNT
Governor

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 972—Judiciary and Civil and Criminal Jurisprudence.

HB 789—Pensions, Veterans’ Affairs and General Laws.

HCS for HB 192—Governmental Account-ability and Fiscal Oversight.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 1302, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth “Red” Browning, Glasgow, which was adopted.

Senator Gross offered Senate Resolution No. 1303, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vernon Meyer, St. Charles, which was adopted.

Senator Stouffer offered Senate Resolution No. 1304, regarding Julia A. Hansen, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1305, regarding Helen L. Seifert, Otterville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1306, regarding Paula Kolster, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1307, regarding Monica C. Soendker, Lexington, which was adopted.

Senator Scott offered Senate Resolution No. 1308, regarding the Fiftieth Wedding Anniversary of Reverend and

Mrs. James A. Coleman, El Dorado Springs, which was adopted.

Senators Green and Days offered Senate Resolution No. 1309, regarding Michael Edwin Luce “Mic” Durfee, Ferguson, which was adopted.

Senator Taylor offered Senate Resolution No. 1310, regarding Jeanne M. Hale, which was adopted.

Senator Nodler offered Senate Resolution No. 1311, regarding the 2004 Lockwood High School girls volleyball program, which was adopted.

Senator Kennedy offered Senate Resolution No. 1312, regarding Manzo Importing Company, Saint Louis, which was adopted.

Senator Nodler offered Senate Resolution No. 1313, regarding Dr. Charles Thelen, Joplin, which was adopted.

Senator Stouffer offered Senate Resolution No. 1314, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Jerry Niemeier, Higginsville, which was adopted.

Senator Graham offered Senate Resolution No. 1315, regarding Boone Hospital Center, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 1316, regarding Sharon Bayless, which was adopted.

Senator Engler offered Senate Resolution No. 1317, regarding Richard J. Augustine, Jr., which was adopted.

Senator Engler offered Senate Resolution No. 1318, regarding Barbara H. Burkett, which was adopted.

Senator Engler offered Senate Resolution No. 1319, regarding Janis G. Chatman, which was adopted.

Senator Engler offered Senate Resolution No. 1320, regarding Nancy L. Eaves, which was adopted.

Senator Engler offered Senate Resolution No. 1321, regarding Phyllis J. Hargis, which was adopted.

Senator Engler offered Senate Resolution No. 1322, regarding Nancy G. Sullivan, which was adopted.

Senator Engler offered Senate Resolution No. 1323, regarding Karen S. Tutt, which was adopted.

Senator Engler offered Senate Resolution No. 1324, regarding the late Diana Broderick-Smith, which was adopted.

Senator Engler offered Senate Resolution No. 1325, regarding Alice L. Johnson, which was adopted.

Senator Engler offered Senate Resolution No. 1326, regarding Pamela J. Kauflin, which was adopted.

Senator Engler offered Senate Resolution No. 1327, regarding Jacqueline L. Pinkston, which was adopted.

Senator Engler offered Senate Resolution No. 1328, regarding Loretta Warren, which was adopted.

Senator Engler offered Senate Resolution No. 1329, regarding Judy Nipper, which was adopted.

Senator Engler offered Senate Resolution No. 1330, regarding Sue Wilson, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Katey Poteet, Savannah.

Senator Dolan introduced to the Senate, former State Treasurer Wendall Bailey, Willow Springs; and former Lt. Governor Joe Maxwell, Mexico.

Senator Dolan introduced to the Senate, Matthew Terry, Columbia.

The President introduced to the Senate, students from Cape Girardeau.

Senator Coleman introduced to the Senate, fourth grade students from St. Cecilia School, St. Louis.

On motion of Senator Shields, the Senate adjourned until 1:00 p.m., Monday, May 9, 2005.

SENATE CALENDAR

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS
SB 417-Engler, et al

SB 466-Vogel, with SCS
SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 394, with SCS (Engler)
(In Fiscal Oversight)
2. HB 114-Johnson (47) (Wheeler)
(In Fiscal Oversight)
3. HCS for HBs 518, 288, 418 & 635, with
SCS (Dolan) (In Fiscal Oversight)
4. HCS for HB 353, with SCS (Bartle)
(In Fiscal Oversight)
5. HCS for HBs 500 & 533, with SCS
(Koster) (In Fiscal Oversight)
6. HCS for HB 863, with SCS (Taylor)

7. HB 116-Deeken, et al (Vogel)
8. HB 530-Moore, et al (Loudon)
9. HCS#2 for HBs 94 & 185 (Koster)
(In Fiscal Oversight)
10. HB 417-Yates, et al, with SCS
11. HB 832-Brooks, et al
12. HCS for HB 498
13. HB 196-Wildberger, et al, with SCS
(Koster)
14. HCS for HB 440
15. HB 320-Muschany, et al, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS

(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS
(pending)

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS (pending)

SB 159-Cauthorn

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)

SB 199-Gross

SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott

SB 253-Koster, with SCS

SB 284-Cauthorn and Clemens, with SCS
(pending)

SB 291-Mayer, et al, with SCS & SS for
SCS (pending)

SB 321-Shields

SB 324-Scott, with SCS

SB 339-Gross, with SCS

SBs 365 & 204-Mayer, et al, with SCS
(pending)

SB 373-Bartle

SB 376-Loudon

SB 393-Stouffer, with SCS

SB 434-Cauthorn

SB 470-Engler

SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS for HB 64, with SCS (Crowell)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 186, with SCS (Scott)
HCS for HB 208, with SCS (Crowell)
HCS for HB 209, with SCS (Griesheimer)
HCS for HB 276 (Nodler)
HCS for HB 334 (Crowell)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)
HCS for HB 388 (Loudon)
HCS for HB 437, with SCS (Dolan)

HCS for HB 461 (Griesheimer)
HCS for HB 468, with SCS (Scott)
HB 539-Icet, et al, with SCS (Nodler)
HB 564-Boykins, et al (Coleman)
HCS#2 for HB 568 (Nodler)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)
HB 617-Kelly (144), et al, with SCS
(Purgason)
HB 738-Behnen (Scott)
HCS for HB 824 (Klindt)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)
HB 261-Deeken (Griesheimer)

HB 323-Johnson (47) (Shields)

HCS for HB 348 (Koster)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 307-Purgason, with HCS

SCS for SB 390-Taylor,
with HA 1 & HA 3

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended

SS for SCS for SB 210-Griesheimer, with
HCS, as amended

RESOLUTIONS

Reported from Committee

SCR 10-Scott

SCR 12-Koster

SCR 14-Purgason

HCR 11-Sander, et al (Stouffer)

HCR 9-Bivins, et al (Nodler)

HCR 15-Baker (123) (Koster)

HCR 20-Rupp, et al (Dolan)

HCS for HCR 24 (Coleman)

SR 901-Mayer, et al

SR 1193-Vogel, with SCA 1

SCR 17-Scott

HCR 23-Sutherland, et al (Mayer)

SCR 19-Stouffer

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—MONDAY, MAY 9, 2005

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

The great English preacher, Mr. Spurgeon, asked a farmer with a weather vane inscribed “God is Love” if that meant God’s love changed with the wind. The Farmer replied: “No, whatever way the wind blows God still is love.”

Gracious God, we begin our final week and know whether it be gentle moments or times of great stress ahead Your love is still with us. Grant us this week Your abiding presence and guide us so that we may never doubt Your hand leading us. And, even though we continue to hear of bombing and death perpetrated by those who hate us, may we never have doubts of Your abiding love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 5, 2005 was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1331, regarding David Alan Goben, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1332, regarding John H. Keiser, Springfield, which was adopted.

Senator Alter offered Senate Resolution No. 1333, regarding Cynthia Britey, Park Hills, which was adopted.

Senator Alter offered Senate Resolution No. 1334, regarding Cynthia Bellinger, which was adopted.

Senator Alter offered Senate Resolution No. 1335, regarding Lois Blair, which was adopted.

Senator Alter offered Senate Resolution No. 1336, regarding Robyn Brockmeier, which was adopted.

Senator Alter offered Senate Resolution No. 1337, regarding Donna Cartee, which was adopted.

Senator Alter offered Senate Resolution No. 1338, regarding Dr. James Chellew, which was adopted.

Senator Alter offered Senate Resolution No. 1339, regarding Wayne Dowell, which was adopted.

Senator Alter offered Senate Resolution No. 1340, regarding Betsy Fister, which was adopted.

Senator Alter offered Senate Resolution No. 1341, regarding Phyllis Freund, which was adopted.

Senator Alter offered Senate Resolution No. 1342, regarding Marilee Gilmore, which was adopted.

Senator Alter offered Senate Resolution No. 1343, regarding Don Gruenewald, which was adopted.

Senator Alter offered Senate Resolution No. 1344, regarding Dean Hampton, which was adopted.

Senator Alter offered Senate Resolution No. 1345, regarding Marge Kenkel, which was adopted.

Senator Alter offered Senate Resolution No. 1346, regarding John McCoy, which was adopted.

Senator Alter offered Senate Resolution No. 1347, regarding Betsy Miller, which was adopted.

Senator Alter offered Senate Resolution No. 1348, regarding Laura Robertson, which was adopted.

Senator Alter offered Senate Resolution No. 1349, regarding Robert Sainz, which was adopted.

Senator Alter offered Senate Resolution No. 1350, regarding Patti Soong, which was adopted.

Senator Alter offered Senate Resolution No. 1351, regarding Peggy Taylor, which was adopted.

Senator Alter offered Senate Resolution No. 1352, regarding Joseph Werner, which was adopted.

Senator Alter offered Senate Resolution No. 1353, regarding Lois Wicker, which was adopted.

Senator Stouffer offered Senate Resolution No. 1354, regarding the birth of Sheridan Kay Howe, which was adopted.

Senator Stouffer offered Senate Resolution No. 1355, regarding the birth of Alyssa Nicole Kramer, Omaha, Nebraska, which was adopted.

Senator Stouffer offered Senate Resolution No. 1356, regarding the late Donald Lee Sprague, which was adopted.

Senator Stouffer offered Senate Resolution No. 1357, regarding the birth of Tyler Curtis Miller, Independence,

which was adopted.

Senator Stouffer offered Senate Resolution No. 1358, regarding the birth of Wesley Todd Miner, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 1359, regarding the birth of Kylier James Stover, Tina, which was adopted.

Senator Stouffer offered Senate Resolution No. 1360, regarding the birth of Graden Matthew Hall, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1361, regarding the birth of Gannon Michael Scheel, Bevier, which was adopted.

Senator Stouffer offered Senate Resolution No. 1362, regarding the birth of Kaden Alexander Safley, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1363, regarding the birth of Cooper Bradley Himbury, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1364, regarding Norman Peters, which was adopted.

Senator Stouffer offered Senate Resolution No. 1365, regarding Connie S. Foster, which was adopted.

Senator Stouffer offered Senate Resolution No. 1366, regarding Dennis R. Wright, which was adopted.

Senator Stouffer offered Senate Resolution No. 1367, regarding Stephen L. Nuhn, which was adopted.

Senator Stouffer offered Senate Resolution No. 1368, regarding the birth of Sophia Elizabeth Gahagan, Worcester, Massachusetts, which was adopted.

Senator Stouffer offered Senate Resolution No. 1369, regarding the birth of Bonnie Elizabeth Boynton, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1370, regarding the birth of Tanner Jacob Nelson, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1371, regarding the birth of Gregory Edward Heard, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 1372, regarding the birth of Nicholas Edward Shireman, Marshall, which was adopted.

Senator Purgason offered Senate Resolution No. 1373, regarding William Keptner, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1374, regarding Karen Herzog, Ph.D., Washington, which was adopted.

Senator Champion offered Senate Resolution No. 1375, regarding Sherita Henderson, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1376, regarding Mr. and Mrs. Joshua Edward Bolt Goeke, which was adopted.

Senator Purgason offered Senate Resolution No. 1377, regarding the Fifty-ninth Wedding Anniversary of Mr. and Mrs. Roy Shawley, Lebanon, which was adopted.

Senator Koster offered Senate Resolution No. 1378, regarding Beuford C. Cooper, Ridgeway, which was adopted.

Senator Koster offered Senate Resolution No. 1379, regarding Ron Wierman, Raymore, which was adopted.

Senator Kennedy offered Senate Resolution No. 1380, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Groth, Jr., St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 1381, regarding Lieutenant Colonel Samuel T. Barber, Saint Joseph, which was adopted.

Senator Coleman offered Senate Resolution No. 1382, regarding Ron Frerker, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1383, regarding Stacy Ausmus, St. Louis, which was adopted.
Senator Stouffer offered Senate Resolution No. 1384, regarding Criss A. Hensley, which was adopted.
Senator Stouffer offered Senate Resolution No. 1385, regarding Janis L. Tate, Boonville, which was adopted.
Senator Days offered Senate Resolution No. 1386, regarding Bel Ridge Elementary School, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HB 58** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 58**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 388**, entitled:

An Act to amend chapters 374 and 375, RSMo, by adding thereto eight new sections relating to insurance compliance audits.

Was called from the Informal Calendar and taken up by Senator Loudon.

Senator Mayer assumed the Chair.

At the request of Senator Loudon, **HCS** for **HB 388** was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Stouffer moved that **SCR 19** be taken up for adoption, which motion prevailed.

President Kinder assumed the Chair.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 19 as it appears in the Senate Journal for May 3, 2005, Page 876, Column 1, Line 28, by striking the word “five” and inserting in lieu thereof the following: “three”; and further amend said page and column, line 30 by striking all of said line and inserting in lieu thereof the following: “the Senate, two of which shall be members of the Senate appointed by the Minority Leader of the Senate; and”; and further amend line 31 by striking the word “five” and inserting in lieu thereof the following: “three”; and further amend lines 32-33 by striking all of said lines and inserting in lieu thereof the following: “the Speaker of the House of Representatives, two of which shall be members of the House appointed by the Minority Leader of the House; and”.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCR 19**, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 58**, as amended. Representatives: Johnson (47), Schneider, Smith (118), Wagner and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 343**, entitled:

An Act to repeal sections 99.960, 100.710, and 135.284, RSMo, and section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1182, ninety-second general assembly, second regular session, section 100.850 as enacted by house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, first regular session, section 100.850 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 1394, ninety-second general assembly, second regular session, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, and to enact in lieu thereof fifteen new sections relating to job development programs administered by the department of economic development.

With House Amendments 1, 2, House Amendment 1 to House Substitute Amendment 1 for House Amendment 5 and House Substitute Amendment 1 for House Amendment 5, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 343, Section 620.1881, Page 41, Line 96 by deleting the semi-colon “;” on said line, and;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 343, Page 38, Section 620.1878, Line

111, by deleting the word “**has**” on said line and inserting in lieu thereof the word “**creates**”; and,
Further amend said bill, page 38, section 620.1878, lines 111-112, by deleting the words “**total employees on the date of the proposal**” and inserting in lieu thereof the words “**new jobs**”; and,
Further amend said bill, page 38, section 620.1878, line 112, by deleting the words “**qualified company**” and inserting in lieu thereof the words “**project facility**”; and
Further amend said bill, page 39, section 620.1881, line 12, by adding after all of said line the following:
“**A qualified company may elect to file a notice of intent to start a new project period concurrent with an existing project period if the minimum thresholds are achieved and the qualified company provides the department with the required reporting and is in proper compliance for this program and other state programs; however, the qualified company may not receive any further benefit under the original proposal for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as “new jobs” for the purpose of benefit calculation in relation to the new proposal.**”.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 5

Amend House Substitute Amendment No. 1 for House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Bill No. 343, Page 1, Line 6, by inserting after the word “**program.**” on said line the following:
“**This provision shall not apply where such unauthorized persons or subcontractors employing such persons, are employed for business operations occurring outside of the United States which provide products or services to persons or entities which are also located outside of the United States.**”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 343, Section 1, Page 45, Line 5 by inserting after all of said line the following:
“**Section 2. No company that employs persons or subcontracts with entities employing persons who are not authorized to work in the United States under federal law shall be eligible for any state administered tax credit, tax abatement, subsidy, or loan program.**”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
In which the concurrence of the Senate is respectfully requested.

**CONFERENCE COMMITTEE
APPOINTMENTS**

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 58**, as amended: Senators Griesheimer, Taylor, Crowell, Wilson and Kennedy.
President Pro Tem Gibbons appointed Senator Coleman to replace Senator Wilson on the conference committee on **HCS** for **SCS No. 2** for **SB 155**, as amended.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:
Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **HCS No. 2** for **HBs 94** and **185**; **HB 114**; **HCS** for **HB 394**, with **SCS**; and **HCS** for **HBs 500** and **533**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to concur in **HCS** for **SS** for **SB 343**, as amended and requests the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 334, entitled:

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof twenty-nine new sections relating to state employee retirement.

Was called from the Informal Calendar and taken up by Senator Crowell.

Senator Vogel offered **SS** for **HCS for HB 334**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 334

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.403, 104.404, 104.410, 104.450, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-one new sections relating to state employee retirement, with an emergency clause for certain sections.

Senator Vogel moved that **SS** for **HCS for HB 334** be adopted.

Senator Stouffer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 334, Page 1, In the Title, Line 9 of said page, by striking the words “employee retirement” and inserting in lieu thereof the following: “employees”; and

Further amend said bill, page 94, section 476.682, line 23, by inserting after all of said line the following:

“Section 1. State workers employed pursuant to chapter 226, RSMo may be exempt from the provisions of section 105.935, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Stouffer moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SS** for **HCS for HB 334**, as amended, be adopted, which motion prevailed.

Senator Crowell was recognized to close on the 3rd reading motion.

President Pro Tem Gibbons referred **SS** for **HCS for HB 334**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

HCS for HB 394, with **SCS**, was placed on the Informal Calendar.

HB 114, introduced by Representative Johnson (47), et al, entitled:

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

Was taken up by Senator Wheeler.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 114, Page 2, Section 92.402, Line 9, by striking the opening bracket “[”]; and further amend line 10 by striking the closing bracket “]” as it appears the first time on said line; and further amend said line by striking “2005” and inserting in lieu thereof the following: **“2007”**; and further amend said line by striking the opening bracket “[” and the closing bracket “]” as it appears the second time on said line.

Senator Callahan moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Shields offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Bill No. 114, Page 1, Line 5, by striking “2007” and inserting in lieu thereof the following: **“2015”**.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wheeler, **HB 114**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Bray—1

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HBs 500** and **533**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 863**, with **SCS**, was placed on the Informal Calendar.

HB 116, introduced by Representative Deeken, et al, entitled:

An Act to amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service dogs, with penalty provisions and an emergency clause.

Was taken up by Senator Vogel.

Senator Vogel offered **SS** for **HB 116**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 116

An Act to amend chapter 209, RSMo, by adding thereto four new sections relating to rights of persons with dogs, with penalty provisions and an emergency clause for certain sections.

Senator Vogel moved that **SS** for **HB 116** be adopted.

Senator Cauthorn offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 116, Pages 4-5, Section 1, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SS** for **HB 116**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SS** for **HB 116**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Nodler—1

Absent with leave—Senator
Coleman—1

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.
Senator Vogel moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 168**, entitled:

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

With House Amendment 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 168, Section 431.306, Page 7, Line 71, by deleting “(2)” and inserting in lieu thereof “(4)”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Dolan moved that **SS** for **SCS** for **SB 168**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 168**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 168

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

Was taken up.

Senator Dolan moved that **HCS** for **SS** for **SCS** for **SB 168**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

On motion of Senator Dolan, **HCS** for **SS** for **SCS** for **SB 168**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for **HB 437**, with **SCS**, entitled:

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof three new sections relating to Missouri military family relief.

Was called from the Informal Calendar and taken up by Senator Dolan.

SCS for **HCS** for **HB 437**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 437An Act to repeal section 173.239, RSMo, and to enact in lieu thereof four new sections relating
to Missouri military family relief.

Was taken up.

Senator Dolan moved that **SCS** for **HCS** for **HB 437** be adopted.

Senator Dolan offered **SS** for **SCS** for **HCS** for **HB 437**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 437

An Act to repeal section 173.239, RSMo, and to enact in lieu thereof four new sections relating to Missouri military family relief.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HB 437** be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **HCS** for **HB 437** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 824**, entitled:

An Act to repeal sections 444.765, 621.015, and 643.079, RSMo, and to enact in lieu thereof six new sections relating to environmental regulation.

Was called from the Informal Calendar and taken up by Senator Klindt.

Senator Gross assumed the Chair.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 824, Page 9, Section 634.079, Lines 63-66, by deleting “by the same percentage as the percentage change in the general price level as measured by the Consumer Price Index for all Urban Consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor or its successor agency,”

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klindt, **HCS** for **HB 824**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 738, introduced by Representative Behnen, entitled:

An Act to repeal section 339.515, RSMo, and to enact in lieu thereof one new section relating to real estate appraisers, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Scott.

Senator Bartle assumed the Chair.

On motion of Senator Scott, **HB 738** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green	Mayer—2
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Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Green

Mayer—2

Absent with leave—Senator
Coleman—1

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.
Senator Scott moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 192**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 353**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 64**, with **SCS**, entitled:

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Crowell.

SCS for **HCS** for **HB 64**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 64An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday, with an emergency clause.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HB 64** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HB 64**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 64

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax

holiday, with an emergency clause.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 64** be adopted, which motion prevailed.

On motion of Senator Crowell, **SS** for **SCS** for **HCS** for **HB 64** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

HCS for HBs 500 and 533, with SCS, entitled:

An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfer of employer accounts, with an effective date.

Was called from the Informal Calendar and taken up by Senator Koster.

SCS for HCS for HBs 500 and 533, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 500 and 533An Act to repeal sections 288.035 and 288.110, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an effective date.

Was taken up.

Senator Koster moved that **SCS for HCS for HBs 500 and 533** be adopted.

Senator Koster offered **SS for SCS for HCS for HBs 500 and 533, entitled:**

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 500 and 533

An Act to repeal section 288.110, RSMo, and to enact in lieu thereof one new section relating to the transfer of employer accounts, with an effective date.

Senator Koster moved that **SS for SCS for HCS for HBs 500 and 533** be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

On motion of Senator Koster, **SS for SCS for HCS for HBs 500 and 533** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 355**, entitled:

An Act to repeal sections 142.029, 142.031, 142.815, 144.010, 144.030, 246.005, 261.241, 265.300, 267.565, 276.606, 277.020, 277.200, 281.040, 311.554, 348.430, and 414.433, RSMo, and to enact in lieu thereof thirty-two new sections relating to agriculture, with an emergency clause for a certain section.

With House Amendment 1 to House Amendment 1, House Amendment 1, as amended to Part 1, and House Amendment 1 to Part 2.

HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 1 TO PART 1

Amend House Amendment No. 1 to Part 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 355, Page 1, Section 142.029, Line 4, by inserting after the word “Missouri” the following: “and that 100% of the feed stock originates in the United States.”

HOUSE AMENDMENT NO. 1 TO PART 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 355, Section 142.031, Page 2, Line 13, by inserting after the word “fund” the following:

“**provided that fifty-one percent of the feedstock originates in the state of Missouri. A**”; and

Further amend said line by deleting the words “, except that a”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO PART 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 355, Page 26, Section 281.040, line 6, by deleting said line and inserting in lieu thereof the following:

“**either** attending a course **or completing an on-line course** of instruction provided by the director on the use, handling, storage and”;

Further amend said section, Page 26, Line 11, by inserting after the word, “**instruction.**” the following:

“**However, no fee shall be assessed or collected from an individual completing an on-line course of instruction.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 355**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon and further the Senate conferees be allowed to exceed the differences, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HCS** for **HB 388** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 388, Pages 2 to 6, Sections 375.1063 to 375.1069, by striking all of said sections; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Koster offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 388, Page 2, Section 374.071, Line 11, by inserting after the word “under” the following: “**subsections 1 and 2 of**”; and further amend line 12 by striking the word “proper”; and further amend line 13 by inserting after the word “or” the following: “**under the authority of any**”; and further amend line 21 by inserting immediately before the word “In” the following: “**Notwithstanding any provision of subsections 1 and 2 of this section to the contrary,**”.

Senator Koster moved that the above amendment be adopted, which motion prevailed on a standing division vote.

On motion of Senator Loudon, **HCS** for **HB 388**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Clemens	Crowell	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler—26		

NAYS—Senators

Bray	Callahan	Days	Dougherty
Green	Wilson—6		

Absent—Senator Champion—1

Absent with leave—Senator

Coleman—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 348, entitled:

An Act to amend chapter 41, RSMo, by adding thereto three new sections relating to the protection of military facilities and personnel, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Koster on a standing division vote.

On motion of Senator Koster, **HCS for HB 348** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator
Coleman—1

Vacancies—None

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 174**, entitled:

An Act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 38**, entitled:

An Act to repeal section 227.340, RSMo, and to enact in lieu thereof two new sections relating to the George Washington Carver Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 177**, entitled:

An Act to repeal sections 105.712, 256.468, 329.050, 334.735, 337.600, 337.603, 337.615, 337.618, 337.653, 344.040, 436.218, and 621.045, RSMo, and to enact in lieu thereof nineteen new sections relating to professional registration.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 182**, entitled:

An Act to repeal sections 323.020 and 323.060, RSMo, and to enact in lieu thereof three new sections relating to liquefied petroleum gases.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 343**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 343**, as amended. Representatives: Richard, Flook, Pearce, Kratky and Spreng.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 678** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 343**, as amended: Senators Bartle, Loudon, Shields, Days and Callahan.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1387, regarding Annie Lee Sells, which was adopted.

Senator Vogel offered Senate Resolution No. 1388, regarding South Elementary School, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1389, regarding Katie Cook, Fulton, which was adopted.

Senator Purgason offered Senate Resolution No. 1390, regarding the One Hundred First Birthday of Tommy Danuser, Montreal, which was adopted.

Senator Alter offered Senate Resolution No. 1391, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Alter, Ballwin, which was adopted.

Senator Wilson offered Senate Resolution No. 1392, regarding Dorothy Trumbull, Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 1393, regarding Patsy Plowman, which was adopted.

Senator Klindt offered Senate Resolution No. 1394, regarding Linda Rapp, which was adopted.

Senator Alter offered Senate Resolution No. 1395, regarding Dr. Larry Reiter, which was adopted.

Senator Alter offered Senate Resolution No. 1396, regarding Fire Chief Steve Davis, which was adopted.

Senator Gross offered Senate Resolution No. 1397, regarding Joshua W. "Josh" Houle, St. Peters, which was adopted.

Senator Engler offered Senate Resolution No. 1398, regarding Mary Anna Gibson, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1399, regarding Joan Olmsted, Belgrade, which was adopted.

Senator Engler offered Senate Resolution No. 1400, regarding David Hager, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1401, regarding Shirley Belknap, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1402, regarding Marily Barton, Bismarck, which was adopted.

Senator Engler offered Senate Resolution No. 1403, regarding Carol F. Hines, Centerville, which was adopted.

Senator Engler offered Senate Resolution No. 1404, regarding Debbie Guggenberger, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1405, regarding Barbara Hochstatter, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1406, regarding Nancy McMahan, Potosi, which was adopted.

Senator Engler offered Senate Resolution No. 1407, regarding Brenda Fatchett, Irondale, which was adopted.

Senator Graham offered Senate Resolution No. 1408, regarding James M. Silvey, Columbia, which was adopted.
Senator Cauthorn offered Senate Resolution No. 1409, regarding Kathy Jo Calvert, Wyaconda, which was adopted.
Senator Alter offered Senate Resolution No. 1410, regarding Justin Patrick Hamrick, Imperial, which was adopted.
Senator Scott offered Senate Resolution No. 1411, regarding Patricia Ann Schumacher, Independence, which was adopted.
Senator Scott offered Senate Resolution No. 1412, regarding Ruby Dean Fidler, Stockton, which was adopted.
Senator Gibbons offered Senate Resolution No. 1413, regarding Stephanie Amick and Melissa

DeStefano, which was adopted.

Senator Callahan offered Senate Resolution No. 1414, regarding the Eightieth Birthday of Jane Darlene Watkins, which was adopted.

Senator Dolan offered Senate Resolution No. 1415, regarding Maria Jenifreda Hazelbaker, which was adopted.

Senator Dolan offered Senate Resolution No. 1416, regarding Sherry Clynch, Moscow Mills, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Mr. and Mrs. John Tsikalas, Mexico; and Mr. and Mrs. Frank Wiszniewski, New Hope, Pennsylvania.

Senator Dougherty introduced to the Senate, his granddaughter, Dana McFarlane, St. Louis.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Tuesday, May 10, 2005.

SENATE CALENDAR

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SIXTY-SEVENTH DAY—TUESDAY, MAY 10, 2005

—————

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS
SB 417-Engler, et al

SB 466-Vogel, with SCS
SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HBs 518, 288, 418 & 635, with
SCS (Dolan) (In Fiscal Oversight)
2. HCS for HB 353, with SCS (Bartle)
3. HB 530-Moore, et al (Loudon)
4. HCS#2 for HBs 94 & 185 (Koster)
5. HB 417-Yates, et al, with SCS (Loudon)
6. HB 832-Brooks, et al (Wilson)
7. HCS for HB 498 (Koster)
8. HB 196-Wildberger, et al, with SCS

(Koster)

9. HCS for HB 440

10. HB 320-Muschany, et al, with SCS
(Nodler)

11. HCS for HB 192, with SCS

12. HB 100-Cunningham, et al, with SCS
(Loudon)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS
(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS
(pending)

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS (pending)

SB 159-Cauthorn

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)

SB 199-Gross

SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens

SB 240-Scott

SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
(pending)
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)

HCS for HB 186, with SCS (Scott)
HCS for HB 208, with SCS (Crowell)
HCS for HB 209, with SCS (Griesheimer)
HCS for HB 276 (Nodler)
SS for HCS for HB 334 (Crowell) (In
Fiscal Oversight)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)
HCS for HB 394, with SCS (Engler)
HCS for HB 461 (Griesheimer)
HCS for HB 468, with SCS (Scott)

HB 539-Icet, et al, with SCS (Nodler)
HB 564-Boykins, et al (Coleman)
HCS#2 for HB 568 (Nodler)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf (Shields)
HCS for HB 606 (Kennedy)
HB 617-Kelly (144), et al, with SCS
(Purgason)
HCS for HB 863, with SCS (Taylor)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)

HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 38-Nodler and Taylor, with HCS
SB 174-Vogel, with HCS
SB 177-Shields, with HCS

SCS for SB 182-Scott, with HCS
SB 307-Purgason, with HCS
SCS for SB 390-Taylor, with HA 1 & HA 3

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended
SS for SCS for SB 210-Griesheimer, with
HCS, as amended

SS for SB 343-Bartle, with HCS, as
amended
HCS for HB 58, with SS for SCS, as
amended (Griesheimer)

Requests to Recede or Grant Conference

SCS for SB 355-Griesheimer, et al,
with HCS, as amended
(Senate requests House
recede or grant conference)

HB 678-Byrd, with SCS, as amended
(Bartle)
(House requests Senate
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al (Nodler)
HCR 15-Baker (123) (Koster)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
SCR 17-Scott

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY—TUESDAY, MAY 10, 2005

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“You will keep him in perfect peace, whose mind is stayed on You.” (Isaiah 26:3)

Heavenly Father, we know that with all the demands on us and time away from those we love, we are not as centered as we have need. Help us to remain centered in You so that our lives may have the peace it needs to make effective decisions and be about the things You would have us do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HBs 518, 288, 418** and **635**, with **SCS**; and **SS** for **HCS** for **HB 334**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Crowell moved that **SS** for **HCS** for **HB 334**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 334**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HBs 518, 288, 418 and 635, with SCS, entitled:

An Act to repeal sections 210.104, 210.106, 210.107, 304.015, 304.016, 304.155, 304.580, 307.178, and 476.385, RSMo, and to enact in lieu thereof eleven new sections relating to highway safety, with penalty provisions and an effective date.

Was taken up by Senator Dolan.

SCS for HCS for HBs 518, 288, 418 and 635, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 518, 288, 418 and 635An Act to repeal sections 210.104, 210.106, 210.107, 301.010, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof eighteen new sections relating to the

operation of motor vehicles, with penalty provisions.

Was taken up.

Senator Dolan moved that **SCS** for **HCS** for **HBs 518, 288, 418 and 635** be adopted.

Senator Dolan offered **SS** for **SCS** for **HCS** for **HBs 518, 288, 418 and 635**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 518, 288, 418, & 635

An Act to repeal sections 210.104, 210.106, 210.107, 301.010, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof eighteen new sections relating to the operation of motor vehicles, with penalty provisions.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 518, 288, 418 and 635** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 518, 288, 418 and 635, Page 16, Section 301.010, Line 10, by inserting after all of said line the following:

“302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-five years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Dougherty offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee

Substitute for House Bills Nos. 518, 288, 418 and 635, Page 2, Section 302.020, Line 4, by striking the word “twenty-five” and insert in lieu thereof the following: **“eighty-five”**

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 1 to SA 1** was withdrawn.

SA 1 was again taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 518, 288, 418 and 635, Page 43, Section 304.281, Line 16 of said page, by inserting immediately after said line the following:

“304.282. 1. Wherever used in this section the following terms mean:

(1) **“An automated traffic control system”**, a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more micrographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of red signal indication authorized under section 304.281;

(2) **“Owner”**, the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Any automated traffic control system or any device which is part of that system, as described in subsection 1 of this section, installed on a street or highway which is a part of a city not within a county's traffic light system shall meet requirements established by the state of Missouri. Any automated traffic control system installed on a street located in a city not within a county shall meet standards established by the city not within a county and shall be consistent with any standards set by the Missouri department of transportation.

3. A city not within a county may adopt ordinances for the civil enforcement of this section by means of an automated traffic control system as described in subsection 1 of this section. In the event that a city not within a county adopts an ordinance under this section, a violation of a red signal at a location where an automated traffic control system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) **The owner of the vehicle shall be given notice of the violation within thirty days of the date of the violation. The notice shall include copies of any photographs, micrographs, videotape or other recorded images produced by the automated traffic control system;**

(2) **The owner of the vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within thirty days after notification of the violation, furnishes the officials or agents of the city not within a county that issued the citation either of the following:**

(a) **An affidavit stating that the vehicle involved was, at the time, in the care, custody, or control of another person. Evidence may include, but is not limited to, the name and address of the person or company who had the care, custody, and control of the vehicle;**

(b) **An affidavit stating the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information;**

(3) **In such an instance the owner, subject to the penalties for perjury, shall submit conclusive evidence in an affidavit authorized in subdivision (2) of this subsection setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation, the nonjudicial administrative hearing may terminate the prosecution of the citation issued to the owner, and issue a citation to the person clearly identified in the affidavit as the operator of the motor vehicle at the time of the violation;**

(4) The registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than thirty days after the violation.

4. If a violation detected by an automatic traffic control system involves a vehicle that is registered in the name of a rental, leasing, or fleet company and the vehicle is rented, leased, or the use of such vehicle is otherwise granted to another person at the time the violation occurred, the rental, leasing, or fleet company may rebut the presumption by providing the city not within a county with a copy of the rental, lease, or other agreement in effect at the time the violation occurred. The company shall not be liable for the violation, unless prior notice of the violation has been given to that company under subsection 3 of this section and the company fails to provide a copy of the rental, lease, or employment agreement within thirty days of receipt of such notice.

5. Any automated traffic control system on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than three hundred feet from the location of the automated traffic control system location. All advance warning signs shall be approved by the department of transportation in conjunction with the city not within a county authorized to install automated traffic control systems.

6. A violation detected by an automated traffic control system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars shall be assessed, and for which no points authorized by section 302.302, RSMo, shall be assigned to the owner or driver of the vehicle. A person who possesses a commercial drivers license or operates a commercial motor vehicle at the time of the violation, however, shall have such conviction posted or affixed on his or her driver's record in order to ensure compliance with Title 49, Code of Federal Regulations, Part 384, as amended.

7. The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged and the owner shall comply with the directions on the citation. The citation must also include instructions on how to dispose of the violation through appearance before the nonjudicial administrative hearing or payment of the fine and costs. The citation shall be processed by officials or agents of the city not within a county and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars. The city not within a county may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of the debt.

8. The citation instructions shall inform the owner of the vehicle that, when responding to the citation, the owner shall provide any driver's license number, commercial or noncommercial, issued in the owner's name. If, upon receipt, the record reveals that the owner of the vehicle possesses a commercial driver's license, the city not within a county shall, upon conviction, notify the department of revenue of the conviction. The department of revenue shall record such conviction as prescribed by law.

9. The city not within a county shall institute a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section.

10. The city not within a county that establishes an automated traffic control system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city not within a county may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding vehicle owners in order for the city not within a county to prepare and mail summonses.

11. Photographs, micrographs, videotape, or other recorded images produced by an automated traffic control system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

12. One year following the adoption of an ordinance by a city not within a county described in subsection 3 of this section, the department of public safety shall issue a report as to the effectiveness of the use of automated traffic control systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the

general assembly.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 518, 288, 418 and 635, Page 74, Section 577.041, Line 13, by inserting after said line all of the following:

“Section 1. In order for a person twenty-five years of age or older to ride without protective headgear, such person shall obtain an insurance policy providing at least fifty thousand dollars in medical benefits for injuries incurred as a result of a crash while operating or riding a motorcycle or motortricycle and a liability insurance policy providing liability coverage on account of accidents arising out of the ownership, maintenance or use of a motorcycle or motortricycle in the amount of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident. The director of the department of revenue shall issue such person submitting proof of insurance meeting the requirements of this subsection a driver’s license, if otherwise qualified under this chapter, with a sticker or other insignia indicating proof of insurance. In addition, the person shall be issued a set of stickers to be placed upon the person’s registration plates. A person failing to display such stickers shall not be exempt from the penalties authorized by subsection 3 of this section. The cost of such stickers shall be paid by the person to whom the stickers are issued.”; and

Further amend the title and enacting clauses accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 518, 288, 418 and 635, Page 2, Section A, Line 6, by inserting after said line the following:

“227.374. The portion of highway 71 in Newton County from Iris Road to highway 86 shall be designated the “James W. Minton, Jr. Memorial Highway”. The department of transportation shall erect and maintain appropriate signs commemorating this portion of highway. Costs for such designation shall be paid for by the family of James W. Minton, Jr.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 518, 288, 418 and 635, Page 16, Section 301.010, Line 10, of said page, by inserting after all of said line the following:

“302.289. 1. Any person or towing company directed by law enforcement to remove or tow abandoned property from public property under section 304.155, RSMo, may, within thirty days, but not more than forty-five days after the removal of such property, file an affidavit with the department of revenue attesting that such person or towing company has removed abandoned property pursuant to section 304.155, RSMo, and has incurred costs associated with the removal of the abandoned property. In addition to filing an affidavit, the person or towing company shall submit an application, in a format prescribed by the director of the department of revenue, which shall include the following information:

(1) The name and address of the person or tow company that removed the abandoned property pursuant to section 304.155, RSMo;

(2) The date the person or tow company performed a law enforcement authorized tow of abandoned property under section 304.155, RSMo;

(3) An itemized accounting of the reasonable towing and storage charges associated with removing the

abandoned property; and

(4) Any other relevant information the director of the department of revenue may prescribe by rule.

2. The application shall also be accompanied by a copy of the crime inquiry and inspection report required to be retained by subsection 7 of section 304.155, RSMo. The applicant shall also attest that the towing company has complied with all procedural requirements outlined in sections 304.155 to 304.158, RSMo.

3. Within five business days of receiving the application submitted under subsection 1 of this section, the director of the department of revenue, or the director's designee, shall send notice to the registered owner of the abandoned motor vehicle, as revealed by the department's records, that a claim for reasonable towing and storage charges has been filed with the department. The notice shall further state that if the registered owner of the abandoned motor vehicle does not provide satisfactory proof to the department that such charges have been satisfied within thirty days of receiving the notice, the department shall suspend the owner's driver's license or driving privileges and any motor vehicle registrations registered in the owner's name. The notice of suspension shall be mailed to the registered owner at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing.

4. The suspension shall become effective thirty days after the registered owner of the abandoned motor vehicle is deemed to have received the notice as provided in subsection 3 of this section. The period of the suspension shall continue until the registered owner of the abandoned motor vehicle submits proof that he or she has satisfied all reasonable towing and storage charges associated with the abandonment of such property.

5. The director shall promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

6. As used in this section, "reasonable storage charges" shall not exceed the charges for motor vehicles which have been towed with the consent of the owner on a negotiated basis. For any application submitted pursuant to this section, reasonable storage charges shall not exceed ninety days."; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Ridgeway requested that SA 5 be printed and withdrawn, which request was granted.

Senator Dolan moved that SS for SCS for HCS for HBs 518, 288, 418 and 635, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, SS for SCS for HCS for HBs 518, 288, 418 and 635, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Engler	Gibbons	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		
	NAYS—Senators		
Bray	Coleman	Days	Dougherty
Graham	Wheeler	Wilson—7	
	Absent—Senator Green—1		
	Absent with leave—Senators— None		
	Vacancies—None		

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 209**, with **SCS**, entitled:

An Act to amend chapters 71 and 92, RSMo, by adding thereto nine new sections relating to assessment and collection of various taxes on telecommunications companies.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HCS** for **HB 209**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 209An Act to amend chapters 71 and 92, RSMo, by adding thereto nine new sections relating to assessment and collection of various taxes on telecommunications companies.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 209** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 209**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 209

An Act to amend chapters 71 and 92, RSMo, by adding thereto nine new sections relating to assessment and collection of various taxes on telecommunications companies.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 209** be adopted.

President Kinder assumed the Chair.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 7, Section 92.086, Line 28 of said page, by inserting immediately after the word “all” the following:

“wireless”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 10, Section 92.086, Line 1 of said page, by inserting after “half” the following: “**the sum**”; and further amend said line by striking “difference between the”.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 1, In the Title, Line 4, by inserting after “companies” the following: “, with an effective date for certain sections”; and

Further amend said bill, Page 14, Section 92.098, Line 22, by inserting after all of said line the following:

“227.241. Sections 227.241 to 227.249 shall be known as the “State Highway Utility Relocation Act”. The commission shall not be required to redesign any project plans or mail additional notices, nor shall the owner of a utility facility be required to submit additional relocation plans or otherwise comply with requirements of sections 227.241 to 227.249 for any construction project on a state highway for which the letting date was prior to December 31, 2005.

227.242. As used in sections 227.241 to 227.249, the following terms shall mean:

(1) “Act of God”, an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) “Commission,” the highways and transportation commission created under section 226.020, RSMo, and article IV, section 29 of the Missouri Constitution, the director, or designees of the director for the purpose of sections 227.240 to 227.248;

(3) “Construction project”, all contracts for construction of state highways let under section 227.100, except for contracts for maintenance or resurfacing determined by the commission not to conflict with public utilities and routine maintenance and repairs completed by employees of the commission. This term shall also include state highway construction projects of transportation development districts and corporations under chapter 238, RSMo, if such projects are awarded pursuant to section 227.100. The term “construction project” shall not include projects for road beautification, road irrigation, and drainage projects, culvert installation or repair, sound wall installation, decorative lighting, landscaping, or other projects not directly related to improving or routing highway traffic. The term “construction project” shall also not include any project authorized by the commission to accommodate any private development, including a shopping mall, stadium, office building, or arena;

(4) “Contractor”, any person entering into a contract with the highway and transportation commission for purposes of completing a construction project on a state highway, including a subcontractor or supplier to such contractor;

(5) “Customer delays”, delays in the relocation work due to delays caused by the utility's customers, including but not limited to delays in getting written or oral approvals from customers for permissible utility service cut-over dates;

(6) “Cut-over date”, the date utility owner interrupts utility service to a utility customer provided through an existing utility facility and switches the service over to a new utility facility serving the customer;

(7) “Day” or “days”, a business day or a period of consecutive business days consisting of every work day excluding Saturdays, Sundays, and legal holidays;

(8) “Director”, the director of the Missouri department of transportation appointed pursuant to section 226.040;

(9) “Extreme weather event”, a severe weather occurrence, including but not limited to fire, flood,

earthquake, tornado, wind, hurricane, storm, ice, abnormal rainfall, blizzard, or extended periods of severe inclement weather;

(10) “Letting date”, the date established by the commission for the acceptance of bids by contractors under section 227.100;

(11) “Mail”, a dated written transmittal sent to the addressee by regular or certified mail;

(12) “Maintenance”, routine work performed on state highways by employees of the commission or contractors to the commission, including minor pavement and shoulder repairs, striping, grading, irrigation ditch clearing, street overlays, and other work determined by the commission not to conflict with public utilities;

(13) “Notice to proceed”, notice by the commission to a contractor to proceed with work on a contract awarded by the commission;

(14) “Owner”, the individual, firm, joint venture, partnership, corporation, association, cooperative, municipality, county, district, political subdivision, department, agency, or any other institution owning or operating utility facilities;

(15) “Project plans”, any plan for highway construction projects demonstrating the need to design and conduct utility facility alterations or relocations due to the work;

(16) “Relocate” or “relocation”, the adjustment of utility facilities, as the commission or director may determine is necessary in connection with the construction of a state highway. Relocation includes:

(a) Removing and reinstalling the utility facility, including necessary temporary facilities;

(b) Moving, rearranging, or changing the type of existing utility facilities; and

(c) Taking any necessary safety and protective measures;

(17) “Relocation plan,” a plan designed by the owner to carry out utility facility relocation work to accommodate a construction project on a state highway;

(18) “Resurfacing”, work which provides a new roadway surface for existing pavement on a state highway, including minor base patching, intersection paving, shoulder work, and guard rail work which is determined by the commission not to conflict with public utilities;

(19) “State highway”, a highway constructed or maintained at the cost of the state or constructed with the aid of state funds or United States government funds or any highway included by authority of law in the state highway system or any highway constructed under the authority of a transportation development district or corporation under chapter 238, RSMo, where such contract is awarded under section 227.100;

(20) “Utility contractor”, a person contracting with an owner of a utility facility or a subcontractor to a person contracting with an owner of a utility facility, for the alteration relocation or installation of a utility facility in connection with a construction project on a state highway;

(21) “Utility facility”, any underground facility as defined in section 319.015, RSMo, and aboveground facilities, including poles, lines, wires, and appurtenances for the purposes of electrical power, telephone, telegraph, fiber optic and cable television services, and any other purpose or which aboveground utility facilities may be located along state highways;

(22) “Work”, construction and services required of the contractor by the contractor's contract with the commission, including excavation as that term is defined in section 319.015, RSMo.

227.243. 1. At the earliest possible date in the design of a construction project on a state highway, the commission shall attempt to determine what utility facilities are located within the right-of-way of the planned construction project by researching permit files and reviewing map files maintained by the commission. The commission shall also, as necessary, conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

2. Within thirty days of completion of the survey conducted under subsection 1 of this section, the commission shall notify in writing owners of each known utility facility that a construction project is planned that may conflict with their utility facility. The notification shall include the name or route number of the highway, the geographical limits of the planned construction project, a general description of the work to be done including a preliminary plan, the desired date for completion of a relocation plan, and the anticipated month and year a letting date could be set for the construction project.

3. The owner shall examine the notice and notify the commission in writing of any utility facility not correctly described in the commission's notice. Within sixty days of receiving the notice required in subsection 2 of this section, the owner shall provide a written response to the commission. The response shall describe and provide the general location of each utility facility of the owner by confirming the location shown in the commission's notice or by providing additions or corrections.

227.244. 1. Upon completion of the initial design of the construction project, the commission shall provide at least one set of project plans to each owner of a utility facility identified under section 227.243.

2. The project plans shall show those portions of the construction project upon which the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for the project. The commission shall also provide with the project plans a description of any right-of-way still to be purchased and the anticipated letting date of the project. The project plan shall be accompanied by a complete set of plans including profile, cross-section, drainage, signal, lighting, signing plans, temporary road plans that may affect utilities, and other pertinent plan sheets. Upon request of the owner, the commission shall provide any additional plan information needed by the owner to design and lay out the removal, relocation, or adjustment of existing facilities and the placement of relocated or new utility facilities within the limits of the construction project.

3. Within thirty days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment and return the marked-up project plans to the commission. The plan of adjustment shall include:

- (1) Verification that all utility facilities are shown;
- (2) The proposed location of adjusted utility facilities;
- (3) Any additional right-of-way requirements; and
- (4) Any other concerns.

4. When two or more owners have facilities in the area encompassed by the construction project, the commission shall schedule a utility coordination meeting as soon as possible but no longer than thirty days from the date the project plans were mailed. The commission's project manager and all owners are required to attend this meeting. If there is a conflict between two owners which cannot be satisfactorily resolved by the owners, the commission shall determine the most appropriate method to resolve the conflict between the two owners, and, in making such determination, shall weigh equally the length of time necessitated by each owner's proposal, and the relative cost to each owner if the other's proposal is adopted. The commission shall notify all utility owners involved with the project in writing of the commission's acceptance or revisions to the utility plan of adjustment.

227.245. 1. Within one hundred twenty days of receiving written notice of approval of the utility plan of adjustment from the commission, the owner shall provide the commission with a relocation plan. The one hundred twenty-day clock stops after the relocation plan is submitted by the owner. If, after timely submission of the relocation plan by the owner, revisions or alterations are necessary for any reason, or if the original relocation plan was incomplete due to information needed from other parties, the one hundred twenty-day clock begins to run again when the needed information is received back by the owner.

2. The relocation plan shall include a narrative description of work that will be done in relocating the owner's utility facilities and whether the work or a portion of the work must be coordinated with or is contingent upon work being performed by another utility facility owner or the contractor to the commission. The relocation plan shall list, if applicable, any anticipated issues or problems related to the acquisition of right-of-way. The relocation plan shall, if applicable, detail the anticipated number of days to acquire additional easements not provided within the new highway right-of-way. The relocation plan shall also give estimates as to the time needed to obtain any necessary customer approvals for cut-over dates, if necessary. The relocation plan shall state when the work will be started and the length of time in days estimated to complete the work. It is permissible for an owner to state in a relocation plan that the owner's work will be completed within a stated number of days from the date that a contractor or another owner completes certain identified work which interferes with the owner's work. The relocation plan shall identify any contingencies, if applicable, that may impact the anticipated start of relocation. The relocation plan shall also describe whether the plan is incomplete due to:

- (1) Other owners failing to coordinate their plans with the owner submitting the plan;**
- (2) Other owners failing to provide information necessary to submit a complete relocation plan;**
- (3) The commission failing to provide any information required by subsection 2 of section 227.244; or**
- (4) Any other reason explained in the plan regarding the circumstances and cause of the plan being incomplete.**

3. The commission shall review the relocation plan to ensure compatibility with permit requirements, the project plan, and the anticipated letting date and notice to proceed for the project. If utility relocation is dependent upon or must be coordinated with work to be completed by the contractor, the relocation plan shall assure timely completion of the project. If the relocation plan is acceptable to the commission, the commission shall notify the owner in writing within thirty days of receiving the plan. If the relocation plan submitted by the owner is not compatible, reasonable, or does not allow timely completion of the project, the commission shall advise the owner in writing as soon as practicable, but not later than thirty days after receiving the relocation plan. The commission shall specify in the notice which parts of the relocation plan it finds objectionable, and the reasons for its conclusions. The owner shall submit a revised relocation plan within thirty calendar days after receipt of notice by the commission that the relocation plan is not acceptable. The commission shall review the revised relocation plan, and if the relocation plan is still not acceptable, the commission shall provide a relocation plan to the owner. The owner shall not be bound by the terms of the commission's relocation plan if such relocation plan:

- (1) Requires the payment of overtime to employees to expedite the construction project; or**
- (2) Requires the owner to comply with a deadline which is not feasible due, in whole or in part, to one or more factors outside the control of the owner.**

4. If the owner informs the commission, in writing, or the commission determines that the owner's relocation work is dependent upon or must be coordinated with work being performed by the commission's contractor, the commission shall convene a meeting of the contractor and the one or more owners whose relocation work is dependent upon or must be coordinated with the contractor's work. Such meeting shall be held after the letting date at which bids were received for the construction project, but prior to the issuance of a notice to proceed to the commission's contractor. After such meeting, and before or concurrent with the issuance of a notice to proceed, the commission shall provide a schedule for the relocation of utilities to the owner and the commission's contractor. If the approved relocation plan, or a portion of such plan, is dependent upon or must be coordinated with work to be performed by the contractor, the contractor shall notify the commission of its best estimate of the date that all construction necessary for the relocation of utilities will be completed, at least fourteen days prior to such date. If such completion date is delayed due to weather or other causes, the contractor shall immediately notify the commission of the delay and the revised expected completion date. The contractor shall give a second notice to the commission five days prior to the date work will be completed as necessary for relocation work to begin. It shall be the responsibility of the commission to notify the owner or owners of the contractor's estimated completion dates. The contractor may also notify the owner directly of such dates, if the contractor has received information from the owner under subsection 7 of this section, but such notice shall not relieve the commission of its obligation to notify the owner. If the contractor's delay causes additional delay by the owner, the commission and the owner shall negotiate in good faith to determine the new completion date.

5. (1) The commission shall notify the owner in writing not less than thirty days before the owner is required to begin relocation provided for in the approved relocation plan. Unless the owner has encountered excusable delay as set forth in subsection 4 of section 227.248, the owner shall complete its work within the time frame described in the relocation plan, and shall complete all work that can be done prior to construction before the issuance of the notice to proceed, including work that may need to be coordinated with other utility owners but is not dependent on the work of the contractor.

(2) The notice required by subdivision (1) of this subsection shall include the name, address, telephone number, facsimile number, and electronic mail address of the commission's contractor and any subcontractors performing work on the construction project. Such information shall also include the name and title of an individual employed by the contractor or subcontractor having primary responsibility for the construction

project. Within fifteen days of receiving notice, the owner shall provide to the commission and the commission's contractor the name, address, telephone number, facsimile number, and electronic mail address of the employee of the owner who is responsible for implementation of the owner's relocation plan and the same information for any utility contractor to the owner for purposes of carrying out the relocation plan.

6. The owner shall notify the commission when relocation work has started. During the course of the relocation work, the commission may require owners to provide progress reports until its relocation is completed. The owner shall notify the commission when all relocation work is complete. All notices of either starting or completion of relocation work and all monthly progress reports shall be provided within five days after such dates.

227.246. 1. If, prior to the letting date of the construction project, the commission's project plan is changed so that additional or different utility relocation work is found necessary, the commission shall furnish a revised project plan under section 227.244, and the owner shall provide the commission with a revised relocation plan under section 227.245, except that the time allowed for the owner to submit the revised relocation plan after receipt of the revised project plan shall not exceed sixty days.

2. If, after the letting date of the highway construction project, additional utility relocation work is found necessary which was not indicated on the original project plan, the commission shall provide the owner with a revised project plan within fifteen days and the commission and the owner shall agree on a reasonable schedule for completion of the additional utility location.

227.247. 1. The commission shall have authority to require that any required notice, response, or plan be submitted by mail or certified mail. Otherwise notices, plans, and other statements in writing may be provided by mail, facsimile, or electronic mail. The commission may require that some form of proof of receipt be provided in regard to any notice, plan, or other statement in writing. Upon mutual agreement between the commission and an owner, additional time may be granted for the completion of any act required by sections 227.241 to 227.249.

2. Nothing in sections 227.241 to 227.249 shall be construed to relieve a contractor from making notice of excavation as required by sections 319.010 to 319.050, RSMo, of the underground facility safety and damage prevention act, or complying with the requirements of sections 319.075 to 319.090, RSMo, of the overhead powerline safety act, except to the extent that any provisions of sections 227.241 to 227.249 require additional obligations beyond those set forth in sections 319.011 to 319.050, RSMo, or sections 319.075 to 319.090, RSMo, in which case the requirements of sections 227.241 to 227.249 shall prevail.

227.248. 1. If the owner of a utility facility fails to provide the responses or corrections to project plans required by sections 227.243 to 227.246, the commission may recover from the owner damages in the amount of up to one hundred dollars per day for each day the required act is not completed.

2. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities in accordance with the relocation plan as required by section 227.245, the commission may recover from the owner damages in the amount of up to one thousand dollars per day for each day the required act is not completed.

3. The damages authorized by subsections 1 and 2 of this section may be recovered through actions brought by the chief counsel to the commission, or may be referred to the attorney general for appropriate action. An action to collect the damages authorized by this section shall be brought in a court of appropriate jurisdiction. All damages collected under this section shall be deposited in the state road fund.

4. No damages or fines of any kind shall be assessed for delays that result, in whole or in part, directly or indirectly, from any of the following:

- (1) Customer delays;
- (2) Labor strikes or shortages;
- (3) Terrorist attacks, riots, civil unrest, or criminal sabotage;
- (4) Acts of God, or extreme weather events;
- (5) Delays caused by staffing shortages in the geographic area near the commission's construction project due to the owner's need to reassign an unusual number of workers to any other area to respond to an act of God or extreme weather event;
- (6) The failure of another owner to sufficiently complete its required relocation of utility facilities that

interfere with an owner's relocation plan;

(7) The failure of another owner or delay by another owner in submitting relocation plans that interfere with an owner's relocation plan;

(8) Delays by the commission in acquiring necessary right-of-way or necessary easements;

(9) Delays caused by facility damages or cable cuts caused by the commission's contractor, other owners, or third parties;

(10) Unusual material shortages; and

(11) Any other event or action beyond the reasonable control of the owner.

The occurrence of any of the unusual events listed in this section shall constitute an affirmative defense to the assessment of damages under the provisions of this section.

5. The removal and relocation of utility facilities shall be made at the expense of the owners unless otherwise provided by the commission. If the owner fails to relocate the utility facilities in accordance with the relocation plan as required by section 227.245, the utility facilities may be removed and relocated by the state highways and transportation commission, or under its direction, and the cost of relocating the utility facilities shall be collected from such owner. If the state highways and transportation commission or its designee removes and relocates the utility facilities, the utility owner shall not be liable to any party for any damages caused by the commission's or the commission's designee's removal and relocation of such facilities.

227.249. Any home rule city having a population of sixty thousand inhabitants or greater or any charter county of the first classification may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.241 to 227.249 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation.

Section B. The provisions of sections 227.241 to 227.249 shall become effective January 1, 2006.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 8, Section 92.086, Line 2, by adding after the word “companies” the following:

“as identified in 47 USC Section 332 (D)(1) and 47 CFR Parts 22 or 24”; and

Further amend such Section, Line 13, by deleting the word “chapter” and replace in lieu thereof, the word “section”; and

Further amend such Section, Line 13, by adding after the word “shall” on such line, the following:

“be determined based only on business customers and shall”; and

Further amend such Section, Line 24, by deleting the words “recommend a one time” and replace in lieu thereof the following: “promulgate and publish an”.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 209**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 209**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Crowell	Dolan
Engler	Gibbons	Graham	Griesheimer

Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Scott	Stouffer	Taylor—23	

NAYS—Senators

Bray	Coleman	Days	Dougherty
Green	Ridgeway	Shields	Wilson—8

Absent—Senators

Clemens	Vogel	Wheeler—3
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 972**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **HB 789**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 192**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 233**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto eight new sections relating to name designations for highways and bridges.

With House Amendment 1 to House Amendment 1, House Amendment 1, as amended, and House Amendments 2

and 3.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Section 227.249, Page 11, Lines 7-8 by deleting all of said lines and inserting in lieu thereof the following:

"227.249. Any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants may adopt ordinances, policies, resolutions, or"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Section A, Page 1, Line 3, by inserting immediately after all of said line the following:

"227.241. Sections 227.241 to 227.249 shall be known as the "State Highway Utility Relocation Act". The commission shall not be required to redesign any project plans or mail additional notices, nor shall the owner of a utility facility be required to submit additional relocation plans or otherwise comply with requirements of sections 227.241 to 227.249 for any construction project on a state highway for which the letting date was prior to December 31, 2005.

227.242. As used in sections 227.241 to 227.249, the following terms shall mean:

(1) "Act of God", an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Commission," the highways and transportation commission created under section 226.020, RSMo, and article IV, section 29 of the Missouri Constitution, the director, or designees of the director for the purpose of sections 227.240 to 227.248;

(3) "Construction project", all contracts for construction of state highways let under section 227.100, except for contracts for maintenance or resurfacing determined by the commission not to conflict with public utilities and routine maintenance and repairs completed by employees of the commission. This term shall also include state highway construction projects of transportation development districts and corporations under chapter 238, RSMo, if such projects are awarded pursuant to section 227.100. The term "construction project" shall not include projects for road beautification, road irrigation, and drainage projects, culvert installation or repair, sound wall installation, decorative lighting, landscaping, or other projects not directly related to improving or routing highway traffic. The term "construction project" shall also not include any project authorized by the commission to accommodate any private development, including a shopping mall, stadium, office building, or arena;

(4) "Contractor", any person entering into a contract with the highway and transportation commission for purposes of completing a construction project on a state highway, including a subcontractor or supplier to such contractor;

(5) "Customer delays", delays in the relocation work due to delays caused by the utility's customers, including but not limited to delays in getting written or oral approvals from customers for permissible utility service cut-over dates;

(6) "Cut-over date", the date utility owner interrupts utility service to a utility customer provided through an existing utility facility and switches the service over to a new utility facility serving the customer;

(7) "Day" or "days", a business day or a period of consecutive business days consisting of every work day excluding Saturdays, Sundays, and legal holidays;

(8) "Director", the director of the Missouri department of transportation appointed pursuant to section 226.040;

(9) "Extreme weather event", a severe weather occurrence, including but not limited to fire, flood, earthquake, tornado, wind, hurricane, storm, ice, abnormal rainfall, blizzard, or extended periods of severe inclement weather;

(10) "Letting date", the date established by the commission for the acceptance of bids by contractors under

section 227.100;

(11) "Mail", a dated written transmittal sent to the addressee by regular or certified mail;

(12) "Maintenance", routine work performed on state highways by employees of the commission or contractors to the commission, including minor pavement and shoulder repairs, striping, grading, irrigation ditch clearing, street overlays, and other work determined by the commission not to conflict with public utilities;

(13) "Notice to proceed", notice by the commission to a contractor to proceed with work on a contract awarded by the commission;

(14) "Owner", the individual, firm, joint venture, partnership, corporation, association, cooperative, municipality, county, district, political subdivision, department, agency, or any other institution owning or operating utility facilities;

(15) "Project plans", any plan for highway construction projects demonstrating the need to design and conduct utility facility alterations or relocations due to the work;

(16) "Relocate" or "relocation", the adjustment of utility facilities, as the commission or director may determine is necessary in connection with the construction of a state highway. Relocation includes:

(a) Removing and reinstalling the utility facility, including necessary temporary facilities;

(b) Moving, rearranging, or changing the type of existing utility facilities; and

(c) Taking any necessary safety and protective measures; (17) "Relocation plan," a plan designed by the owner to carry out utility facility relocation work to accommodate a construction project on a state highway;

(18) "Resurfacing", work which provides a new roadway surface for existing pavement on a state highway, including minor base patching, intersection paving, shoulder work, and guard rail work which is determined by the commission not to conflict with public utilities;

(19) "State highway", a highway constructed or maintained at the cost of the state or constructed with the aid of state funds or United States government funds or any highway included by authority of law in the state highway system or any highway constructed under the authority of a transportation development district or corporation under chapter 238, RSMo, where such contract is awarded under section 227.100;

(20) "Utility contractor", a person contracting with an owner of a utility facility or a subcontractor to a person contracting with an owner of a utility facility, for the alteration relocation or installation of a utility facility in connection with a construction project on a state highway;

(21) "Utility facility", any underground facility as defined in section 319.015, RSMo, and aboveground facilities, including poles, lines, wires, and appurtenances for the purposes of electrical power, telephone, telegraph, fiber optic and cable television services, and any other purpose or which aboveground utility facilities may be located along state highways;

(22) "Work", construction and services required of the contractor by the contractor's contract with the commission, including excavation as that term is defined in section 319.015, RSMo.

227.243. 1. At the earliest possible date in the design of a construction project on a state highway, the commission shall attempt to determine what utility facilities are located within the right-of-way of the planned construction project by researching permit files and reviewing map files maintained by the commission. The commission shall also, as necessary, conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

2. Within thirty days of completion of the survey conducted under subsection 1 of this section, the commission shall notify in writing owners of each known utility facility that a construction project is planned that may conflict with their utility facility. The notification shall include the name or route number of the highway, the geographical limits of the planned construction project, a general description of the work to be done including a preliminary plan, the desired date for completion of a relocation plan, and the anticipated month and year a letting date could be set for the construction project.

3. The owner shall examine the notice and notify the commission in writing of any utility facility not correctly described in the commission's notice. Within sixty days of receiving the notice required in subsection 2 of this section, the owner shall provide a written response to the commission. The response shall describe and provide the general location of each utility facility of the owner by confirming the location shown in the

commission's notice or by providing additions or corrections.

227.244. 1. Upon completion of the initial design of the construction project, the commission shall provide at least one set of project plans to each owner of a utility facility identified under section 227.243.

2. The project plans shall show those portions of the construction project upon which the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for the project. The commission shall also provide with the project plans a description of any right-of-way still to be purchased and the anticipated letting date of the project. The project plan shall be accompanied by a complete set of plans including profile, cross-section, drainage, signal, lighting, signing plans, temporary road plans that may affect utilities, and other pertinent plan sheets. Upon request of the owner, the commission shall provide any additional plan information needed by the owner to design and lay out the removal, relocation, or adjustment of existing facilities and the placement of relocated or new utility facilities within the limits of the construction project.

3. Within thirty days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment and return the marked-up project plans to the commission. The plan of adjustment shall include:

- (1)** Verification that all utility facilities are shown;
- (2)** The proposed location of adjusted utility facilities;
- (3)** Any additional right-of-way requirements; and
- (4)** Any other concerns.

4. When two or more owners have facilities in the area encompassed by the construction project, the commission shall schedule a utility coordination meeting as soon as possible but no longer than thirty days from the date the project plans were mailed. The commission's project manager and all owners are required to attend this meeting. If there is a conflict between two owners which cannot be satisfactorily resolved by the owners, the commission shall determine the most appropriate method to resolve the conflict between the two owners, and, in making such determination, shall weigh equally the length of time necessitated by each owner's proposal, and the relative cost to each owner if the other's proposal is adopted. The commission shall notify all utility owners involved with the project in writing of the commission's acceptance or revisions to the utility plan of adjustment.

227.245. 1. Within one hundred twenty days of receiving written notice of approval of the utility plan of adjustment from the commission, the owner shall provide the commission with a relocation plan. The one hundred twenty-day clock stops after the relocation plan is submitted by the owner. If, after timely submission of the relocation plan by the owner, revisions or alterations are necessary for any reason, or if the original relocation plan was incomplete due to information needed from other parties, the one hundred twenty-day clock begins to run again when the needed information is received back by the owner.

2. The relocation plan shall include a narrative description of work that will be done in relocating the owner's utility facilities and whether the work or a portion of the work must be coordinated with or is contingent upon work being performed by another utility facility owner or the contractor to the commission. The relocation plan shall list, if applicable, any anticipated issues or problems related to the acquisition of right-of-way. The relocation plan shall, if applicable, detail the anticipated number of days to acquire additional easements not provided within the new highway right-of-way. The relocation plan shall also give estimates as to the time needed to obtain any necessary customer approvals for cut-over dates, if necessary. The relocation plan shall state when the work will be started and the length of time in days estimated to complete the work. It is permissible for an owner to state in a relocation plan that the owner's work will be completed within a stated number of days from the date that a contractor or another owner completes certain identified work which interferes with the owner's work. The relocation plan shall identify any contingencies, if applicable, that may impact the anticipated start of relocation. The relocation plan shall also describe whether the plan is incomplete due to:

- (1)** Other owners failing to coordinate their plans with the owner submitting the plan;
- (2)** Other owners failing to provide information necessary to submit a complete relocation plan;
- (3)** The commission failing to provide any information required by subsection 2 of section 227.244; or
- (4)** Any other reason explained in the plan regarding the circumstances and cause of the plan being

incomplete.

3. The commission shall review the relocation plan to ensure compatibility with permit requirements, the project plan, and the anticipated letting date and notice to proceed for the project. If utility relocation is dependent upon or must be coordinated with work to be completed by the contractor, the relocation plan shall assure timely completion of the project. If the relocation plan is acceptable to the commission, the commission shall notify the owner in writing within thirty days of receiving the plan. If the relocation plan submitted by the owner is not compatible, reasonable, or does not allow timely completion of the project, the commission shall advise the owner in writing as soon as practicable, but not later than thirty days after receiving the relocation plan. The commission shall specify in the notice which parts of the relocation plan it finds objectionable, and the reasons for its conclusions. The owner shall submit a revised relocation plan within thirty calendar days after receipt of notice by the commission that the relocation plan is not acceptable. The commission shall review the revised relocation plan, and if the relocation plan is still not acceptable, the commission shall provide a relocation plan to the owner. The owner shall not be bound by the terms of the commission's relocation plan if such relocation plan:

(1) Requires the payment of overtime to employees to expedite the construction project; or

(2) Requires the owner to comply with a deadline which is not feasible due, in whole or in part, to one or more factors outside the control of the owner.

4. If the owner informs the commission, in writing, or the commission determines that the owner's relocation work is dependent upon or must be coordinated with work being performed by the commission's contractor, the commission shall convene a meeting of the contractor and the one or more owners whose relocation work is dependent upon or must be coordinated with the contractor's work. Such meeting shall be held after the letting date at which bids were received for the construction project, but prior to the issuance of a notice to proceed to the commission's contractor. After such meeting, and before or concurrent with the issuance of a notice to proceed, the commission shall provide a schedule for the relocation of utilities to the owner and the commission's contractor. If the approved relocation plan, or a portion of such plan, is dependent upon or must be coordinated with work to be performed by the contractor, the contractor shall notify the commission of its best estimate of the date that all construction necessary for the relocation of utilities will be completed, at least fourteen days prior to such date. If such completion date is delayed due to weather or other causes, the contractor shall immediately notify the commission of the delay and the revised expected completion date. The contractor shall give a second notice to the commission five days prior to the date work will be completed as necessary for relocation work to begin. It shall be the responsibility of the commission to notify the owner or owners of the contractor's estimated completion dates. The contractor may also notify the owner directly of such dates, if the contractor has received information from the owner under subsection 7 of this section, but such notice shall not relieve the commission of its obligation to notify the owner. If the contractor's delay causes additional delay by the owner, the commission and the owner shall negotiate in good faith to determine the new completion date.

5. (1) The commission shall notify the owner in writing not less than thirty days before the owner is required to begin relocation provided for in the approved relocation plan. Unless the owner has encountered excusable delay as set forth in subsection 4 of section 227.248, the owner shall complete its work within the time frame described in the relocation plan, and shall complete all work that can be done prior to construction before the issuance of the notice to proceed, including work that may need to be coordinated with other utility owners but is not dependent on the work of the contractor.

(2) The notice required by subdivision (1) of this subsection shall include the name, address, telephone number, facsimile number, and electronic mail address of the commission's contractor and any subcontractors performing work on the construction project. Such information shall also include the name and title of an individual employed by the contractor or subcontractor having primary responsibility for the construction project. Within fifteen days of receiving notice, the owner shall provide to the commission and the commission's contractor the name, address, telephone number, facsimile number, and electronic mail address of the employee of the owner who is responsible for implementation of the owner's relocation plan and the same information for any utility contractor to the owner for purposes of carrying out the relocation plan.

6. The owner shall notify the commission when relocation work has started. During the course of the relocation work, the commission may require owners to provide progress reports until its relocation is completed. The owner shall notify the commission when all relocation work is complete. All notices of either starting or completion of relocation work and all monthly progress reports shall be provided within five days after such dates.

227.246. 1. If, prior to the letting date of the construction project, the commission's project plan is changed so that additional or different utility relocation work is found necessary, the commission shall furnish a revised project plan under section 227.244, and the owner shall provide the commission with a revised relocation plan under section 227.245, except that the time allowed for the owner to submit the revised relocation plan after receipt of the revised project plan shall not exceed sixty days.

2. If, after the letting date of the highway construction project, additional utility relocation work is found necessary which was not indicated on the original project plan, the commission shall provide the owner with a revised project plan within fifteen days and the commission and the owner shall agree on a reasonable schedule for completion of the additional utility location.

227.247. 1. The commission shall have authority to require that any required notice, response, or plan be submitted by mail or certified mail. Otherwise notices, plans, and other statements in writing may be provided by mail, facsimile, or electronic mail. The commission may require that some form of proof of receipt be provided in regard to any notice, plan, or other statement in writing. Upon mutual agreement between the commission and an owner, additional time may be granted for the completion of any act required by sections 227.241 to 227.249.

2. Nothing in sections 227.241 to 227.249 shall be construed to relieve a contractor from making notice of excavation as required by sections 319.010 to 319.050, RSMo, of the underground facility safety and damage prevention act, or complying with the requirements of sections 319.075 to 319.090, RSMo, of the overhead powerline safety act, except to the extent that any provisions of sections 227.241 to 227.249 require additional obligations beyond those set forth in sections 319.011 to 319.050, RSMo, or sections 319.075 to 319.090, RSMo, in which case the requirements of sections 227.241 to 227.249 shall prevail.

227.248. 1. If the owner of a utility facility fails to provide the responses or corrections to project plans required by sections 227.243 to 227.246, the commission may recover from the owner damages in the amount of up to one hundred dollars per day for each day the required act is not completed.

2. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities in accordance with the relocation plan as required by section 227.245, the commission may recover from the owner damages in the amount of up to one thousand dollars per day for each day the required act is not completed.

3. The damages authorized by subsections 1 and 2 of this section may be recovered through actions brought by the chief counsel to the commission, or may be referred to the attorney general for appropriate action. An action to collect the damages authorized by this section shall be brought in a court of appropriate jurisdiction. All damages collected under this section shall be deposited in the state road fund.

4. No damages or fines of any kind shall be assessed for delays that result, in whole or in part, directly or indirectly, from any of the following:

- (1) Customer delays;
- (2) Labor strikes or shortages;
- (3) Terrorist attacks, riots, civil unrest, or criminal sabotage;
- (4) Acts of God, or extreme weather events;
- (5) Delays caused by staffing shortages in the geographic area near the commission's construction project due to the owner's need to reassign an unusual number of workers to any other area to respond to an act of God or extreme weather event;
- (6) The failure of another owner to sufficiently complete its required relocation of utility facilities that interfere with an owner's relocation plan;
- (7) The failure of another owner or delay by another owner in submitting relocation plans that interfere with an owner's relocation plan;
- (8) Delays by the commission in acquiring necessary right-of-way or necessary easements;

(9) Delays caused by facility damages or cable cuts caused by the commission's contractor, other owners, or third parties;

(10) Unusual material shortages; and

(11) Any other event or action beyond the reasonable control of the owner.

The occurrence of any of the unusual events listed in this section shall constitute an affirmative defense to the assessment of damages under the provisions of this section.

5. The removal and relocation of utility facilities shall be made at the expense of the owners unless otherwise provided by the commission. If the owner fails to relocate the utility facilities in accordance with the relocation plan as required by section 227.245, the utility facilities may be removed and relocated by the state highways and transportation commission, or under its direction, and the cost of relocating the utility facilities shall be collected from such owner. If the state highways and transportation commission or its designee removes and relocates the utility facilities, the utility owner shall not be liable to any party for any damages caused by the commission's or the commission's designee's removal and relocation of such facilities.

227.249. Any home rule city having a population of sixty thousand inhabitants or greater or any charter county of the first classification may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.241 to 227.249 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Section 227.356, Page 1, Line 3, by inserting after all of said line the following:

"227.358. The portion of U.S. 412 in Dunklin County from the eastern city limits of Kennett, Missouri, to the western city limits of Hayti, Missouri, within Pemiscot County shall be designated the "Governor John M. Dalton Memorial Highway"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Page 4, Section 227.365, Line 78, by inserting after all of said line the following:

"227.367. The portion of highway 370 in St. Louis County from the intersection of Interstate 270, west to the Discovery Bridge, shall be designated the "Officer Scott Armstrong Memorial Highway". Costs for such designation shall be paid by the Bridgeton Optimist Club."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Senator Shields, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

CONCURRENT RESOLUTIONS

Senator Shields offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews

and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor’s Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

Senator Shields requested unanimous consent of the Senate to suspend the rules for the purpose of taking up **SCR 20** for adoption, which request was granted.

On motion of Senator Shields, **SCR 20** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Days
Dougherty	Engler	Gibbons	Graham
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Wheeler—24

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Crowell	Dolan
Green	Griesheimer	Loudon	Taylor
Vogel	Wilson—10		

Absent with leave—Senators—
None

Vacancies—None

PRIVILEGED MOTIONS

Senator Scott moved that **SCS** for **SB 182**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 182**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 182

An Act to repeal sections 323.020 and 323.060, RSMo, and to enact in lieu thereof three new sections relating to

liquefied petroleum gases.

Was taken up.

Senator Scott moved that **HCS** for **SCS** for **SB 182** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Wilson—30		

NAYS—Senators—None

Absent—Senators

Barnitz	Coleman	Vogel—3
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Absent with leave—Senator
Wheeler—1

Vacancies—None

On motion of Senator Scott, **HCS** for **SCS** for **SB 182** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman

Vogel—2

Absent with leave—Senator
Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that the Senate refuse to concur in **HCS** for **SB 177** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Nodler moved that **SB 38**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 38**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 38

An Act to repeal section 227.340, RSMo, and to enact in lieu thereof two new sections relating to the George Washington Carver Memorial Highway.

Was taken up.

Senator Nodler moved that **HCS** for **SB 38** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dolan

Dougherty—2

Absent with leave—Senator
Wheeler—1

Vacancies—None

On motion of Senator Nodler, **HCS** for **SB 38** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dolan Dougherty—2

Absent with leave—Senator
Wheeler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Purgason moved that **SB 307**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 307**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 307

An Act to repeal sections 105.454 and 105.458, RSMo, and to enact in lieu thereof two new sections relating to prohibited acts by certain public officials and employees.

Was taken up.

Senator Purgason moved that **HCS** for **SB 307** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Days	Dolan	Dougherty—3
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Absent with leave—Senator
Wheeler—1

Vacancies—None

On motion of Senator Purgason, **HCS** for **SB 307** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Absent with leave—Senator
Wheeler—1

Vacancies—None

The President declared the bill passed.
On motion of Senator Purgason, title to the bill was agreed to.
Senator Purgason moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 972**, with **SCS**, to the Committee on Govern-mental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Vogel moved that **SB 174**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.
HCS for **SB 174**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 174

An Act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.
Was taken up.
Senator Vogel moved that **HCS** for **SB 174** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Absent with leave—Senator
Wheeler—1

Vacancies—None

On motion of Senator Vogel, **HCS** for **SB 174** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Dolan Dougherty—2

Absent with leave—Senator
Wheeler—1

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Engler	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway

Scott Shields Stouffer Taylor

Vogel Wilson—30

NAYS—Senators—None

Absent—Senators

Barnitz Dolan Dougherty—3

Absent with leave—Senator
Wheeler—1

Vacancies—None

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Taylor moved that the Senate refuse to concur in **HA 1** and **HA 3** to **SCS** for **SB 390** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Griesheimer requested unanimous consent of the Senate to allow the conferees to meet on **SS** for **SCS** for **HCS** for **HB 58**, as amended, while the Senate is in session, which request was granted.

Senator Griesheimer moved that the Senate conferees be allowed to exceed the differences on **SS** for **SCS** for **HCS** for **HB 58**, as amended, in the watershed and water shut off provisions, which motion prevailed.

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 233**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Scott assumed the Chair.

Senator Bartle moved that the Senate refuse to recede from its position on **SCS** for **HB 678**, as amended, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 221, 250 and 256**, entitled:

An Act to repeal sections 43.250, 210.104, 210.107, 301.010, 302.020, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 577.023, and 577.041, RSMo, and section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof twenty new sections relating to the operation of motor vehicles, with penalty provisions.

With House Amendments 1, 2, 3, and House Substitute Amendment 1 for House Amendment 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 221, 250 and 256, Page 12, Section 302.302, Line 45, by inserting after all of said line the following:

“(16) Endangerment of a highway worker in violation of section 304.585 8 points

(17) Aggravated endangerment of a highway worker in violation of section 304.585. .12 points”; and

Further amend said bill, Page 19, Section 304.016, Line 37, by inserting after the word “roadway” the following: “, except that the provisions of this subdivision shall not apply when:

(a) Executing a lawful turn; or

(b) Overtaking a vehicle, as defined in section 307.020, RSMo, that is traveling at a speed of less than twenty-five miles per hour, or when avoiding debris in the roadway, so long as such action does not create a hazard, as specified in subdivision (1) of subsection 4 of this section”; and

Further amend said bill, Pages 29 to 30, Section 304.582, Lines 1 to 41, by striking said section and inserting in lieu thereof the following:

“304.582. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. A second or subsequent violation of this subsection shall result in the court assessing a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any highway worker in such zone. A second or subsequent violation of this subsection shall result in the court assessing a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 1 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 3 of this section.

3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: “Warning: minimum \$250 fine for speeding or passing in this work zone when workers present”.

4. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone as provided in this subsection. Violation of this subsection is a class C misdemeanor.

(1) This subdivision applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane and not pass by appropriate signs or traffic control devices erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

(2) This subdivision also prohibits the operator of a motor vehicle from passing or attempting to pass another motor vehicle in a work zone or construction zone located upon a two-lane highway when highway workers or equipment are working and when appropriate signs or traffic control devices have been erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

5. The additional fines imposed by subsection 4 of this section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo.”; and

Further amend said bill, Pages 30 and 31, Section 304.585, Lines 1 to 34, by striking said section and inserting in lieu thereof the following:

“304.585. 1. A person shall be deemed to commit the offense of “endangerment of a highway worker” upon

conviction for any of the following when the offense occurs within a “construction zone” or “work zone”, as defined in section 304.580:

- (1) Exceeding the posted speed limit by twenty-five miles per hour or more;
- (2) Passing in violation of subsection 4 of section 304.582, resulting in injury or death to a highway worker;
- (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;
- (4) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;
- (5) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or
- (6) Committing any of the following offenses for which points may be assessed under section 302.302, RSMo:

- (a) Leaving the scene of an accident in violation of section 577.060, RSMo;
- (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;
- (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020, RSMo,
- (d) Operating with a suspended or revoked license;
- (e) Obtaining a license by misrepresentation;
- (f) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;
- (g) Any felony involving the use of a motor vehicle; or
- (h) Knowingly permitting an unlicensed operator to operate a motor vehicle.

2. Upon conviction or a plea of guilty for committing the offense of “endangerment of a highway worker” pursuant to subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall, upon conviction or plea of guilty, be guilty of a class A misdemeanor and shall have their driver's license suspended under section 302.304, RSMo.

3. A person shall be deemed to commit the offense of “aggravated endangerment of a highway worker” upon conviction or a plea of guilty for any offense pursuant to subsection 1 of this section which results in the injury or death of a highway worker. Any person who is convicted of the offense of aggravated endangerment of a highway worker in which a highway worker is injured shall, upon conviction or plea of guilty, shall be guilty of a class D felony, and shall have his or her driver's license revoked under section 302.304, RSMo. Any person who is convicted of the offense of aggravated endangerment of a highway worker in which the death of a highway worker occurs shall, upon conviction or plea of guilty, be guilty of a class C felony and have his or her driver's license revoked under section 302.304.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone.

5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker.”; and

Further amend said bill, Pages 31 to 32, Section 304.590, by striking said section from the bill; and

Further amend said bill, Page 32, Section 307.178, Line 12, by striking the word “four” and inserting in lieu thereof the following: “**sixteen**” ; and further amend Line 13, by striking “210.104, RSMo”; and inserting in lieu thereof the following: “**307.179**”; and

Further amend said bill, Page 33, Section 307.178, Line 48, by striking said line and inserting in lieu thereof the following: “vehicle, then the [driver and] passengers [are not in violation of this section] **who are unable to wear**

seat belts, shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed pursuant to section 302.178, RSMo.”; and

Further amend said bill, Pages 33 to 35, Section 307.179, Lines 1 to 41, by striking said section and inserting in lieu thereof the following:

“307.179. 1. As used in this section, the following terms shall mean:

(1) “Child booster seat”, a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;

(2) “Child passenger restraint system”, a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

2. Every person transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child as follows:

(1) Children less than four years of age shall be properly secured in a child passenger restraint system appropriate for that child, according to the child passenger restraint system and the vehicle manufacturer's instructions;

(2) Children four through five years of age shall be properly secured in a child passenger restraint system or a child booster seat appropriate for that child, according to the child passenger restraint system and the vehicle manufacturer's instructions;

(3) Children six years of age or older shall be secured by a vehicle safety belt, child passenger restraint system, or booster seat appropriate for that child, according to the child passenger restraint system and the vehicle manufacturer's instructions;

(4) A child, who would otherwise be required to be secured in a booster seat, may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

3. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars. No court costs shall be charged for a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for violation of this section. If a person receives a citation for violating this section, the charges shall be dismissed or withdrawn if the person prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the person's citation.

4. The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus as defined in section 301.010, RSMo.

5. In no event shall failure to employ a child passenger restraint system required by this section provide the basis for a claim of civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child. Nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil action.

6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of this section. The commission may promulgate rules and regulations for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

___476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections [210.104,] 577.070[,] and 577.073, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

- (1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;
- (2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive

such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, RSMo, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section.”; and

Further amend said bill, Page 40, Section 210.104, Line 10, by inserting after all of said line the following:

“[210.106. In no event shall failure to employ a child passenger restraint system required by section 210.104 provide the basis for a claim of civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child; nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil action.]”; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 221, 250 and 256, Section 43.250, Page 2, Line 3, by deleting the words “**two**” and inserting in lieu thereof the words “**one**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 221, Section 304.155, Page 24, Line 162 by inserting immediately after said line the following:

“304.184. Notwithstanding any other provision of law to the contrary, any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, between any city and a solid waste disposal area or solid waste processing facility approved by the department of natural resources or department of health and senior servies, may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or a weight not to exceed forty-four thousand eight hundred pounds on any tandem axle; but nothing in this section shall be construed to permit the operation of any motor vehicle on the interstate highway system in excess of the weight limits imposed by federal statute; and no such truck, tractor-trailer or other combination shall exceed the width and length limitations provided by section 304.190, RSMo.”; and

Further amend said bill, Section 210.107, Page 40, Line 10, by inserting immediately after said line the following:

[260.218. Notwithstanding any other provision of law to the contrary, any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, between any city and a solid waste disposal area or solid waste processing facility approved by the department of natural resources or department of health and senior servies, may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or a weight not to exceed forty-four thousand eight hundred pounds on any tandem axle; but nothing in this section shall be construed to permit the operation of any motor vehicle on

the interstate highway system in excess of the weight limits imposed by federal statute; and no such truck, tractor-trailer or other combination shall exceed the width and length limitations provided by section 304.190, RSMo.]”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 and 256, Page 32, Section 307.178, Lines 14 - 16, by deleting all of said lines and inserting in lieu thereof the following:

“compliance with this subsection. The provisions of this section shall not be applicable to persons”; and

Further amend said bill, section 307.178, Page 33, Line 20-21 by deleting the following phrase on said lines, “**or for a search of the driver, passenger, or vehicle**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Dolan moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 221, 250 and 256**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 678**, as amended: Senators Bartle, Scott, Purgason, Callahan and Bray.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for **HB 353**, with **SCS**, entitled:

An Act to repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017, 195.214, 211.031, 217.105, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147, 540.031, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 566.140, 568.045, 568.050, 569.040, 569.050, 569.080, 569.090, 570.030, 570.040, 570.080, 570.255, 570.300, 575.150, 576.050, 577.023, 577.041, 577.500, 589.417, and 595.209, RSMo, and to enact in lieu thereof sixty-five new sections relating to crime, with penalty provisions.

Was taken up by Senator Bartle.

SCS for **HCS** for **HB 353**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 353An Act to repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017, 211.031, 217.105, 217.705, 217.750, 302.321, 302.541, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147, 479.230, 540.031, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 559.607, 565.081, 565.082, 565.083, 565.092, 566.083, 566.140, 567.080, 568.045, 568.050, 569.080, 569.090, 557.036, 570.040, 570.080, 570.120, 570.255, 570.300, 573.503, 575.270, 576.050, 577.023, 577.041, 577.500, 589.417, 595.209, and 650.055, RSMo, and to enact in lieu thereof seventy-nine new sections relating to crime, with penalty provisions, an emergency clause for a certain section, and a severability clause.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 353** be adopted.

Senator Bartle offered **SS** for **SCS** for **HCS** for **HB 353**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 353

An Act to repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017, 195.214, 211.031, 217.105, 217.705, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147, 367.031, 407.1355, 479.230, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 559.607, 565.081, 565.082, 565.083, 566.083, 567.080, 568.045, 568.050, 569.040, 569.080, 569.090, 570.030, 570.040, 570.080, 570.120, 570.145, 570.223, 570.255, 570.300, 573.503, 575.150, 575.270, 576.050, 577.023, 577.041, 577.500, 595.209, and 650.055, RSMo, and to enact in lieu thereof eighty-six new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and a severability clause.

Senator Bartle moved that **SS** for **SCS** for **HCS** for **HB 353** be adopted.

Senator Nodler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Pages 7-8, Section 43.532, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 72, Section 407.1355, Line 1, by inserting after all of said line the following:

“407.1400. 1. Except as otherwise allowed by state or federal law, or unless consent has been provided as it is established in this section, financial institutions, their officers, employees, agents, and directors shall not disclose to any person any financial information relating to a customer.

2. A governmental agency or law enforcement agency may obtain customer information from a financial institution pursuant to a judicial or administrative subpoena duces tecum served on the financial institution, if there is reason to believe that the customer information sought is relevant to a proper law enforcement objective or is otherwise authorized by law.

3. A governmental agency or law enforcement agency may obtain customer information from a financial institution pursuant to a search warrant if it obtains the search warrant under the rules of criminal procedure of this state.

4. No consent or waiver shall be required as a condition of doing business with any financial institution, and any consent or waiver obtained from a customer as a condition of doing business with a financial institution shall not be deemed a consent of the customer for the purpose of this section.

5. Valid consent shall be in writing and signed by the customer. In consenting to disclosure of customer information, a customer may specify any of the following:

(1) The time during which such consent will operate;

(2) The customer information to be disclosed; and

(3) The persons, government agencies, or law enforcement agencies to which disclosure can be made.

407.1403. 1. Any person or business that conducts business in this state and that owns or licenses computerized data that includes personal information, shall disclose any breach of the security of the system following discovery or notification of the breach. Notification shall be made to any resident of the state whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedient time possible, but no more than thirty days after such breach has been discovered.

2. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation.

3. For purposes of this section, “breach of security of the system” shall mean unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the business or person. Good faith acquisition of personal information by an employee or agent of the business for the purposes of the business shall not be considered a breach of security of the system, provided that the personal information is not used or subject to further unauthorized disclosure.

4. For purposes of this section, “personal information” means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

(1) Social security number;

(2) Driver's license number;

(3) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

For purposes of this section, “personal information” does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

5. For purposes of this section, “notice” may be provided by one of the following methods:

(1) Written notice;

(2) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 of the United States Code;

(3) Substitute notice, if the agency demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, that the affected class of subject persons to be notified exceeds five hundred thousand, or the agency does not have sufficient contact information. Substitute notice shall consist of all of the following:

(a) E-mail notice when the agency has an e-mail address for the subject persons;

(b) Conspicuous posting of the notice on the agency's website, if the agency maintains one; and

(c) Notification to major statewide media.

6. Notwithstanding subsection 5 of this section, an agency that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this part shall be deemed to be in compliance with the notification requirements of this section if it notifies subject persons in accordance with its policies in the event of a breach of security of the system.

7. Any person or business who violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished by a fine of up to one thousand dollars for each and every act or violation, by imprisonment in the county jail for a term not to exceed one year, or by both at the discretion of the court.

407.1406. 1. A consumer may elect to place a security alert in his or her credit report by making a request in writing or by telephone to a consumer credit reporting agency. “Security alert” means a notice placed in a consumer's credit report, at the request of the consumer, that notifies a recipient of the credit report that the consumer's identity may have been used without the consumer's consent to fraudulently obtain goods or services in the consumer's name.

2. A consumer credit reporting agency shall notify each person requesting consumer credit information with respect to a consumer of the existence of a security alert in the credit report of that consumer, regardless of whether a full credit report, credit score, or summary report is requested.

3. Each consumer credit reporting agency shall maintain a toll-free telephone number to accept security alert requests from consumers twenty-four hours a day, seven days a week.

4. The toll-free telephone number shall be included in any written disclosure by a consumer credit reporting agency to any consumer pursuant to section 407.1421 and shall be printed in a clear and conspicuous manner.

5. A consumer credit reporting agency shall place a security alert on a consumer's credit report no later than five business days after receiving a request from the consumer.

6. The security alert shall remain in place for at least 90 days, and a consumer shall have the right to request a renewal of the security alert.

407.1409. 1. A consumer may elect to place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer credit reporting agency. “Security freeze” means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer credit reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the

consumer. This subsection does not prevent a consumer credit reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

2. A consumer credit reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer.

3. The consumer credit reporting agency shall send a written confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit for a specific party or period of time.

4. If the consumer wishes to allow his or her credit report to be accessed for a specific party or period of time while a freeze is in place, he or she shall contact the consumer credit reporting agency, request that the freeze be temporarily lifted, and provide the following:

(1) Proper identification, as defined in subsection 3 of section 407.1421.

(2) The unique personal identification number or password provided by the credit reporting agency pursuant to subdivision (c).

(3) The proper information regarding the third party who is to receive the credit report or the time period for which the report shall be available to users of the credit report.

5. A consumer credit reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection 4 of this section, shall comply with the request no later than three business days after receiving the request.

6. A consumer credit reporting agency may develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection 4 of this section in an expedited manner.

7. A consumer credit reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(1) Upon consumer request, pursuant to subsection 4 or 10 of this section;

(2) If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer credit reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the consumer credit reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

8. If a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

9. If a consumer requests a security freeze, the consumer credit reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific party or period of time while the freeze is in place.

10. A security freeze shall remain in place until the consumer requests that the security freeze be removed. A consumer credit reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides both of the following:

(1) Proper identification, as defined in subsection 3 of section 407.1421;

(2) The unique personal identification number or password provided by the credit reporting agency pursuant to subsection 3 of this section.

11. A consumer credit reporting agency shall require proper identification, as defined in subsection 3 of section 407.1421, of the person making a request to place or remove a security freeze.

12. The provisions of this section do not apply to the use of a consumer credit report by any of the following:

(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including

a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subdivision (2) of subsection 4 of this section for purposes of facilitating the extension of credit or other permissible use;

(3) Any state or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

(4) A child support agency;

(5) The department of health and senior services or its agents or assigns acting to investigate Medicaid fraud;

(6) The state tax commission or its agents or assigns acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

(7) The use of credit information for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act;

(8) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed;

(9) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request.

13. This act does not prevent a consumer credit reporting agency from charging a fee of no more than ten dollars to a consumer for each freeze, removal of the freeze, or temporary lift of the freeze for a period of time, or a fee of no more than twelve dollars for a temporary lift of a freeze for a specific party, regarding access to a consumer credit report, except that a consumer credit reporting agency may not charge a fee to a victim of identity theft who has submitted a valid police report.

407.1412. 1. If a security freeze is in place, a consumer credit reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within thirty days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

2. If a consumer has placed a security alert, a consumer credit reporting agency shall provide the consumer, upon request, with a free copy of his or her credit report at the time the ninety-day security alert period expires.

407.1415. The provisions of sections 407.1406 to 407.1412 do not apply to a consumer credit reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer credit reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced. However, a consumer credit reporting agency shall honor any security freeze placed on a consumer credit report by another consumer credit reporting agency.

407.1418. The following entities are not required to place in a credit report either a security alert, pursuant to section 407.1406, or a security freeze, pursuant to section 407.1409:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

407.1421. A consumer credit reporting agency shall supply files and information required during normal business hours and on reasonable notice. In addition to the disclosure provided by this chapter and any disclosures received by the consumer, the consumer has the right to request and receive all of the following:

(1) Either a decoded written version of the file or a written copy of the file, including all information in the file at the time of the request, with an explanation of any code used; (2) A credit score for the consumer, the key factors, and the related information, as defined in and required by this subsection;

(3) A record of all inquiries, by recipient, which result in the provision of information concerning the consumer in connection with a credit transaction that is not initiated by the consumer and which were received by the consumer credit reporting agency in the twelve-month period immediately preceding the request for disclosure under this section;

(4) The recipients, including end users of any consumer credit report on the consumer which the consumer credit reporting agency has furnished:

(a) For employment purposes within the two-year period preceding the request;

(b) For any other purpose within the twelve-month period preceding the request.

Identification for purposes of this subdivision shall include the name of the recipient or, if applicable, the fictitious business name under which the recipient does business disclosed in full. If requested by the consumer, the identification shall also include the address of the recipient.

(5) Files maintained on a consumer shall be disclosed promptly as follows:

(a) In person, at the location where the consumer credit reporting agency maintains the trained personnel required by this subdivision, if he or she appears in person and furnishes proper identification;

(b) By mail, if the consumer makes a written request with proper identification for a copy of the file or a decoded written version of that file to be sent to the consumer at a specified address. A disclosure pursuant to this subdivision shall be deposited in the United States mail, postage prepaid, within five business days after the consumer's written request for the disclosure is received by the consumer credit reporting agency. Consumer credit reporting agencies complying with requests for mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after the mailings leave the consumer credit reporting agencies;

(c) A summary of all information contained in files on a consumer and required to be provided shall be provided by telephone, if the consumer has made a written request, with proper identification for telephone disclosure;

(d) Information in a consumer's file required to be provided in writing under this section may also be disclosed in another form if authorized by the consumer and if available from the consumer credit reporting agency. For this purpose a consumer may request disclosure in person by telephone upon disclosure of proper identification by the consumer, by electronic means if available from the consumer credit reporting agency, or by any other reasonable means that is available from the consumer credit reporting agency.

(6) "Proper identification," as used in this section means that information generally deemed sufficient to identify a person. Only if the consumer is unable to reasonably identify himself or herself with the information described above, may a consumer credit reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(7) The consumer credit reporting agency shall provide trained personnel to explain to the consumer any information furnished him or her;

(8) The consumer shall be permitted to be accompanied by one other person of his or her choosing, who shall furnish reasonable identification. A consumer credit reporting agency may require the consumer to furnish a written statement granting permission to the consumer credit reporting agency to discuss the consumer's file in that person's presence;

(9) Any written disclosure by a consumer credit reporting agency to any consumer pursuant to this section shall include a written summary of all rights the consumer has under this title and in the case of a consumer credit reporting agency which compiles and maintains consumer credit reports on a nationwide basis, a toll-free telephone number which the consumer can use to communicate with the consumer credit reporting agency. The written summary of rights required under this subdivision is sufficient if in substantially the following form:

“You have a right to obtain a copy of your credit file from a consumer credit reporting agency. You may be charged a reasonable fee not exceeding eight dollars (\$8). There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The consumer credit reporting agency must provide someone to help you interpret the information in your credit file.

You have a right to dispute inaccurate information by contacting the consumer credit reporting agency directly. However, neither you nor any credit repair company or credit service organization has the right to have accurate, current, and verifiable information removed from your credit report. Under the Federal Fair Credit Reporting Act, the consumer credit reporting agency must remove accurate, negative information from your report only if it is over seven years old. Bankruptcy information can be reported for 10 years.

If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the consumer credit reporting agency must then, within 30 business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the consumer credit reporting agency.

If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the consumer credit reporting agency to keep in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about disputed information in a report it issues about you.

You have a right to receive a record of all inquiries relating to a credit transaction initiated in 12 months preceding your request. This record shall include the recipients of any consumer credit report.

You may request in writing that the information contained in your file not be provided to a third party for marketing purposes. You have a right to place a “security alert” in your credit report, which will warn anyone who receives information in your credit report that your identity may have been used without your consent. Recipients of your credit report are required to take reasonable steps, including contacting you at the telephone number you may provide with your security alert, to verify your identity prior to lending money, extending credit, or completing the purchase, lease, or rental of goods or services. The security alert may prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that taking advantage of this right may delay or interfere with the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. If you place a security alert on your credit report, you have a right to obtain a free copy of your credit report at the time the 90-day security alert period expires. A security alert may be requested by calling the following toll-free telephone number: (Insert applicable toll-free telephone number).

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer credit reporting agency from releasing any information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a specific party or period of time after the freeze is in place. To provide that authorization you must contact the consumer credit reporting agency and provide all of the following:

(1) The personal identification number or password.

(2) Proper identification to verify your identity.

(3) The proper information regarding the third party who is to receive the credit report or the period of time for which the report shall be available.

A consumer credit reporting agency must authorize the release of your credit report no later than three business days after receiving the above information.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer credit reporting agency, who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data.”.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 147, Section 578.500, Line 11, by inserting after all of said line the following:

"590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; [and]

(5) Persons commissioned and serving as a reserve peace officer within a county of the first classification on August 28, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic

violence."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Pages 81-83, Section 558.016, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Wheeler offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 38, Section 195.017, Line 21, of said page, by inserting immediately after said line the following:

"195.060. 1. Except as provided in subsection 3 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall **either** write the date of filling and his own signature on the prescription **or retain the date of filling and the identity of the dispenser as electronic prescription information**. The prescription **or electronic prescription information** shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

3. A pharmacist, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

4. It shall be unlawful for controlled substances to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to

three months if the physician describes on the prescription form **or indicates via telephone, facsimile, or electronic communication to the pharmacy for entry on or attached to the prescription form** the medical reason for requiring the larger supply.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.”; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 81, Section 556.036, Line 18, by inserting after all of said line the following:

“557.036. 1. **Subject to the limitation provided in subsection 3 of this section**, upon a finding of guilt upon verdict or plea, the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly.

2. [Where an offense is submitted to the jury, the trial shall proceed in two stages. At the first stage, the jury shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

3. If the jury at the first stage of a trial finds the defendant guilty of the submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact of the crime upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the defendant. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall instruct the jury as to the range of punishment authorized by statute for each submitted offense. The attorneys may argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment as authorized by statute.

4. A second stage of the trial shall not proceed and the court, and not the jury, shall assess punishment if] **The court shall instruct the jury as to the range of punishment as part of the verdict, unless:**

(1) The defendant requests in writing, prior to voir dire, that the court assess the punishment in case of a finding of guilt; or

(2) The state pleads and proves the defendant is a prior offender, persistent offender, dangerous offender, or persistent misdemeanor offender as defined in section 558.016, RSMo, a persistent sexual offender as defined in section 558.018, RSMo, or a predatory sexual offender as defined in section 558.018, RSMo.

If the jury **finds the defendant guilty but** cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If[, **there be a trial by jury and the jury is to assess punishment and if** after due deliberation by the jury[, the court finds the jury cannot agree on punishment, then the court may instruct the jury that if it cannot agree on punishment that **it may return its verdict without assessing punishment and** the court will assess punishment.

[5.] **3.** If the jury returns a verdict of guilty [in the first stage] and declares a term of imprisonment [in the second stage] **as provided in subsection 2 of this section**, the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense.

[6.] **4.** If the defendant is found to be a prior offender, persistent offender, dangerous offender or persistent misdemeanor offender as defined in section 558.016, RSMo:

(1) If he has been found guilty of an offense, the court shall proceed as provided in section 558.016, RSMo; or

(2) If he has been found guilty of a class A felony, the court may impose any sentence authorized for the class A felony.

[7.] **5.** The court shall not seek an advisory verdict from the jury in cases of prior offenders, persistent offenders,

dangerous offenders, persistent sexual offenders or predatory sexual offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall consider it as mere surplusage.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted.

Senator Coleman offered **SA 1 to SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 3, Section 557.036, Line 2, by inserting immediately after the second use of the word “punishment” the following:

“, except that the court shall not assess capital punishment”

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 101, Section 565.083, Line 25, of said page by inserting after all of said line the following:

“565.252. 1. A person commits the crime of invasion of privacy in the first degree if such person:

(1) Knowingly photographs or films another person, without the person's knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer; or

(2) Knowingly disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of subdivision (1) of this subsection or in violation of section 565.253; or

(3) Knowingly videotapes, films, photographs, or otherwise records another person, in a secret or surreptitious manner, under or through the clothing being worn by such person for the purpose of viewing the body of, or the undergarments worn by, such person.

2. Invasion of privacy in the first degree is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Mayer assumed the Chair.

Senator Bray offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 103, Section 566.086, Line 9, of said page by inserting after all of said line the following:

“566.200. As used in sections 566.200 to [566.218] 566.221, the following terms shall mean:

(1) “Basic rights information”, information applicable to a noncitizen, including but not limited to, information about human rights, immigration, emergency assistance and resources, and the legal rights and resources for victims of domestic violence;

(2) “Client”, a person who is a resident of the United States and the state of Missouri and who contracts with an international marriage broker to meet recruits;

(3) “Commercial sex act”, any sex act on account of which anything of value is given to or received by any person;

(4) “Criminal history record information”, criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;

(5) “International marriage broker”,

(a) A corporation, partnership, business, individual, or other legal entity, whether or not organized under

any law of the United States or any other state, that charges fees to residents of Missouri for providing dating, matrimonial, or social referrals or matching services between United States citizens or residents and non-resident aliens by providing information or a forum that would permit individuals to contact each other. Such contact shall include, but is not limited to:

a. Providing the name, telephone number, postal address, electronic mail address, or voice message mailbox of an individual, or otherwise facilitating communication between individuals; or

b. Providing an opportunity for an in-person meeting.

(b) Such term shall not include:

a. A traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States;

b. An entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender or country of citizenship or residence of the individual; or

c. An organization that does not charge a fee to any party for the services provided.

[(2)] (6) "Involuntary servitude or forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(7) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international marriage broker;

[(3)] (8) "Peonage", illegal and involuntary servitude in satisfaction of debt;

(9) "Recruit", a non-citizen, non-resident, recruited by an international marriage broker for the purpose of providing dating, matrimonial, or social referral services.

566.221. 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international marriage broker; and

(3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such

person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization.

566.223. Any individual who is alleging that a violation of sections 566.200 to [566.218] **566.221** has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 73, Section 479.230, Line 27, by inserting immediately after said line the following:

“488.2350. 1. An “Alternative Dispute Resolution Fund” may be established by local court rule in any circuit that has not established a family court pursuant to section 487.010, RSMo. Upon the establishment of such fund, in addition to all other court costs prescribed by law, a surcharge in the amount of thirty dollars shall be assessed in all proceedings filed that would otherwise be under the jurisdiction of a family court under section 487.080, RSMo. The surcharge shall not be charged when no court costs are otherwise required, or in any proceeding when costs are waived, or when the costs are to be paid by the state, county, or municipality. The surcharge shall not be charged to a government agency or against the petitioner for actions filed pursuant to chapter 455, RSMo, but may be charged to the respondent in such actions. All sums collected pursuant to this section shall be payable to the various alternative dispute resolution funds as established.

2. The fund shall be expended for the purpose of providing alternative dispute resolution services to those parties in proceedings that would otherwise be under the jurisdiction of a family court pursuant to section 487.080, RSMo, and to fund an alternative dispute resolution program specialist or similar position to plan, develop, implement, and evaluate an alternative dispute resolution program. Expenditures shall be made at the discretion of the presiding judge for the implementation of the alternative dispute resolution programs as set forth in this section.

3. Circuits may enter into a multi-circuit agreement to jointly hire the alternative dispute resolution program specialist or similar position, to fund the position from their various dispute resolution funds, and to establish uniform rules and procedures for the administration of the program or programs providing alternative dispute resolution services. Such agreements shall be authorized, executed, and entered into by and between the presiding judge of each circuit which is a party to the agreement.

4. Any moneys in the alternative dispute resolution fund shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law.

5. From the funds collected pursuant to this section and retained in the alternative dispute resolution fund, each circuit or county in which an alternative dispute resolution program specialist or similar position has been appointed, shall pay to and reimburse the state for the actual costs of that portion of the salaries of alternative dispute resolution program specialists or similar positions.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 16, Section 67.2552, Line 13, by inserting immediately after said line the following:

“105.711. 1. There is hereby created a “State Legal Expense Fund” which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087, RSMo, or section 537.600, RSMo;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri national guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287, RSMo; or

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state, under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities [or county jails] on a part-time basis, **and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;**

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo, who is employed by or under contract with a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered pursuant to chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, dental, or nursing treatment within the scope of his license or registration at a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such treatment is restricted to primary care and preventive health services, provided that such treatment shall not include the performance of an abortion, and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. Medicaid or medicare payments for primary care and preventive health services provided by a physician, dentist, physician assistant, dental hygienist, or nurse who volunteers at a free health clinic is not compensation for the purpose of this section if the total payment is assigned to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage for the services provided without charge. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall

not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician, dentist, physician assistant, dental hygienist, or nurse shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph; or

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(4) Staff employed by the juvenile division of any judicial circuit; or

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), and (e) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 6 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any physician, dentist, physician assistant, dental hygienist, or nurse for coverage concerning his or her private practice and assets shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. However, a physician, nurse, dentist, physician assistant, or dental hygienist may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), and (e) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 6 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state

legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs.

6. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

7. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 101, Section 565.083, Line 25, of said page by inserting after all of said line the following:

“565.145. 1. When responding to the scene of an alleged act of domestic assault, a law enforcement officer may remove a firearm from the scene if:

(1) The law enforcement officer has probable cause to believe that an act of domestic assault has occurred; and

(2) The law enforcement officer has observed the firearm on the scene during the response.

2. If a firearm is removed from the scene under subsection 1 of this section, the law enforcement officer shall:

(1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and

(2) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic assault.

3. Within fourteen days of the conclusion of a proceeding on the alleged act of domestic assault, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under section 571.095, RSMo.

565.146. A sheriff shall deny an application for or revoke a permit issued or registration filed pursuant to section 571.090, RSMo, if the sheriff finds that the applicant, or a person who was issued a permit or has

registered a firearm:

(1) Is subject to an existing order of protection prohibiting him or her from possessing a firearm;

(2) Has been convicted of or pled guilty or nolo contendere to domestic assault as defined in sections 565.072 to 565.074; or

(3) Has been convicted of or pled guilty or nolo contendere to a violation of an order of protection issued in response to a domestic assault situation.

The provisions of this section shall apply to persons who obtained a permit or registered a firearm pursuant to section 571.090, RSMo, prior to August 28, 2005.

565.147. 1. It shall be unlawful to possess a firearm for a person who:

(1) Is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or a child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(2) Has been convicted in a court of competent jurisdiction of a misdemeanor crime of domestic assault;

2. It shall be a class D felony to violate the provisions of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motioned failed.

Senator Gibbons offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Pages 39-44, Section 211.031, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Taylor offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 16, Section 67.2552, Line 13, by inserting after all of said line the following:

“115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall [present] **identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION Are you a citizen of the United States?

☐ YES ☐ NO

Will you be 18 years of age on or before election day?

☐ YES ☐ NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION [OR A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT DOCUMENT THAT SHOWS YOUR NAME AND ADDRESS]. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME **SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT ACCOMPANIED BY A SOCIAL SECURITY CARD, OR OTHER PROOF OF UNITED STATES CITIZENSHIP.**

.....
Township (or Ward)

.....
Name Precinct

.....
Home Address Required Personal
Identification Information

.....
City ZIP

.....
Date of Birth Place of Birth (Optional)

.....
Telephone Number Mother's Maiden Name
(Optional) (Optional)

.....
Occupation (Optional) Last Place Previously Registered

.....
Last four digits of Under What Name
Social Security Number
(Required for registration
unless no Social Security
number exists for Applicant)

Remarks:

.....
When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief. **I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.**

.....
Signature of Voter Date

.....

Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section not later than five business days after the form is completed by the applicant.

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the application form a copy of a birth certificate, a Native American tribal document, or other proof of United States citizenship.”; and

Further amend said bill, section 115.348, page 16, line 17 by inserting after all of said line the following:

“115.631. The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, including but not limited to statements specifically required to be made “under penalty of perjury”; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. **If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made ‘under penalty of perjury’, such individual shall be guilty of a class B felony;**

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;

(22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting;

(24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate.”; and

Further amend the title and enacting clause accordingly.

Senator Taylor moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

Senator Coleman offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 108, Section 569.080, Line 1, of said page, by inserting immediately after said line the following:

“4. (1) Any person convicted of a second offense of tampering in the first degree shall be punished by imprisonment by the department of corrections for a term of not less than two years but not more than seven years. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of two calendar years.

(2) Any person convicted of a third or subsequent offense of tampering in the first degree shall be punished by imprisonment by the department of corrections for a term of not less than five years but not more than twenty years. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five calendar years.”; and

Further amend said bill, page 109, section 569.090, line 10 of said page, by inserting immediately after said line the following:

“569.100. 1. A person commits the crime of property damage in the first degree if such person:

(1) [He] Knowingly damages property of another to an extent exceeding seven hundred and fifty dollars; or

(2) [He] Damages property to an extent exceeding one thousand dollars for the purpose of defrauding an insurer;
or

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is breaking into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle.

2. Property damage in the first degree committed pursuant to subdivision (1) or (2) of subsection 1 of this section is a class D felony. Property damage in the first degree committed pursuant to subdivision (3) of subsection 1 of this section is a class C felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 83, Section 558.019, Line 24, by inserting immediately after “2.” the following: “(1)”; and

Further amend said bill and section, page 84, line 9 of said page, by striking “the following minimum prison terms:” and inserting in lieu thereof the following: **“a sentence as imposed by the judge of the sentencing court. However, the board of probation and parole shall have discretion to review the sentence of such an offender, and it may release the individual on probation or parole prior to the completion of the sentence imposed.”**; and further amend lines 10-28 of said page, by striking all of said lines and inserting in lieu thereof the following:

“(2) Those offenders sentenced under this section prior to August 28, 2005, shall have his or her sentence reviewed by the board of probation and parole. The board of probation and parole shall have discretion to release such an offender prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements in effect prior to August 28, 2005.”; and

Further amend said bill and section, page 85, line 8 of said page, by inserting at the end of said line the following: **“However, any person under the age of eighteen years who has pleaded guilty to or been found guilty of a dangerous felony after being transferred to a court of general jurisdiction as provided for in section 211.071, RSMo, may have his or her sentence reviewed by the board of probation and parole after serving fifty percent of his or her sentence. The board of probation and parole shall have the discretion to release such an offender after serving fifty percent of the sentence, and prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements in effect prior to August 28, 2005.”**; and

Further amend said bill and section, page 86, line 26 of said page, by striking “therefor sentences are comparable to” and inserting in lieu thereof the following: **“for such disparities. The commission also shall examine whether these disparities are comparable in”**.

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted.

Senator Coleman offered SA 1 to SA 15, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 2, Line 2, by striking the word “dangerous” and inserting in lieu thereof the following: **“nonviolent”**.

Senator Coleman moved that the above amendment be adopted, which motion failed.

SA 15 was again taken up.

Senator Shields requested a roll call vote be taken on the adoption of SA 15 and was joined in his request by Senators Bartle, Engler, Stouffer and Vogel.

Senator Coleman offered SA 2 to SA 15, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 2, Section 558.019, Line 2 by deleting the word “dangerous” and inserting in lieu thereof the following **“non-physically threatening”**.

Senator Coleman moved that the above amendment be adopted.

At the request of Senator Coleman, SA 2 to SA 15 was withdrawn.

SA 15 was again taken up.

At the request of Senator Coleman, the above amendment was withdrawn.

Senator Graham offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 161, Section 650.055, Line 9, by inserting after all of said line the following:

“Section 1. Upon a finding or plea of guilty, the court shall, upon motion of any party or any victim, and after a waiver of the right to trial by jury, conduct a hearing, before final sentencing, to determine the amount due to the victim as restitution by a preponderance of the evidence. The victim may be represented by counsel

other than the prosecutor in the hearing. The court shall issue a civil judgment in that amount payable to the victim. The court may include the amount ordered to be payable to the victim for restitution as a condition of probation.

Section 2. No person committed to the department of corrections shall be granted parole unless full payment of restitution established under section 1, if any, is made a condition of parole.”; and
Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 17:**

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 83, Section 558.019, Line 24, by inserting immediately after “2.” the following: **“(1)”**; and

Further amend said bill and section, page 84, line 9 of said page, by striking “the following minimum prison terms:” and inserting in lieu thereof the following: **“a sentence as imposed by the judge of the sentencing court. However, the board of probation and parole shall have discretion to review the sentence of such an offender, and it may release the individual on probation or parole prior to the completion of the sentence imposed.”**; and further amend lines 10-28 of said page, by striking all of said lines and inserting in lieu thereof the following:

“(2) Those offenders sentenced under this section prior to August 28, 2005, shall have his or her sentence reviewed by the board of probation and parole. The board of probation and parole shall have discretion to release such an offender prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements in effect prior to August 28, 2005.”; and

Further amend said bill and section, page 85, line 8 of said page, by inserting at the end of said line the following: **“However, any person under the age of eighteen years who has pleaded guilty to or been found guilty of a nonviolent felony after being transferred to a court of general jurisdiction as provided for in section 211.071, RSMo, may have his or her sentence reviewed by the board of probation and parole after serving fifty percent of his or her sentence. The board of probation and parole shall have the discretion to release such an offender after serving fifty percent of the sentence, and prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements in effect prior to August 28, 2005.”**; and

Further amend said bill and section, page 86, line 26 of said page, by striking “therefor sentences are comparable to” and inserting in lieu thereof the following: **“for such disparities. The commission also shall examine whether these disparities are comparable in”**.

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 18:**

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 48, Section 217.735, Line 11, of said page, by inserting after the word “has” the following: **“pleaded guilty to or”**; and further amend line 13 of said page, by striking the following: “or 566.212” and inserting in lieu thereof the following: **“566.212, 568.020, 568.080, or 568.090”**; and

Further amend said bill and section, Page 49, Line 1, by inserting at the end of said line the following: **“Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.”**; and

Further amend said bill, Page 93, Section 559.106, Line 28 of said page, by inserting after the word “offender” the following: **“who has pleaded guilty to or has been”**; and

Further amend said bill, Page 94, Section 559.106, Line 2 of said page, by striking “466.151, or 566.212” and inserting in lieu thereof the following: **“566.151, 566.212, 568.020, 568.080, or 568.090”**; and further amend Line 10 of said page, by inserting after the word “previously” the following: **“pleaded guilty to or has”**; and further amend line 14 of said page, by inserting at the end of said line the following: **“Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.”**.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS for SCS for HCS for HB 353**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SCS** for **HCS** for **HB 353**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Graham—1

Absent—Senators

Kennedy	Klindt—2
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Graham—1

Absent—Senators

Kennedy

Klindt—2

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HB 863, with **SCS**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to tax incentives for economic development.

Was called from the Informal Calendar and taken up by Senator Taylor.

SCS for HCS for HB 863, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 863An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to tax incentives for economic development.

Was taken up.

Senator Taylor moved that **SCS for HCS for HB 863** be adopted.

Senator Taylor offered **SS for SCS for HCS for HB 863**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 863

An Act to amend chapter 99, RSMo, by adding thereto six new sections relating to tax incentives for economic development.

Senator Taylor moved that **SS for SCS for HCS for HB 863** be adopted.

At the request of Senator Taylor, **HCS for HB 863**, with **SCS** and **SS for SCS** (pending), was placed on the Informal Calendar.

HB 530 was placed on the Informal Calendar.

HCS No. 2 for HBs 94 and 185 was placed on the Informal Calendar.

HB 417, with **SCS**, was placed on the Informal Calendar.

HB 832 was placed on the Informal Calendar.

HCS for HB 498 was placed on the Informal Calendar.

HB 196, with **SCS**, was placed on the Informal Calendar.

HCS for HB 440 was placed on the Informal Calendar.

HB 320, with **SCS**, introduced by Representative Muschany, et al, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of district corporate organization.

Was taken up by Senator Nodler.

SCS for HB 320, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 320 An Act to repeal section 162.081, RSMo, and to enact in lieu thereof two new sections relating to education, with a sunset provision.

Was taken up.

Senator Nodler moved that **SCS** for **HB 320** be adopted.

Senator Nodler offered **SS** for **SCS** for **HB 320**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 320

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof two new sections relating to education, with a sunset provision.

Senator Nodler moved that **SS** for **SCS** for **HB 320** be adopted.

At the request of Senator Nodler, **HB 320**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HB 596, introduced by Representative Schaaf, entitled:

An Act to repeal section 290.145, RSMo, and to enact in lieu thereof two new sections relating to health insurance benefits for employees.

Was called from the Informal Calendar and taken up by Senator Shields.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 596, Page 1, In the Title, Line 3, by striking the words “benefits for employees”; and Further amend said bill, page 2, section 290.145, line 12, by inserting immediately after said line the following:

“Section 1. Determination of usual and customary fees pursuant to subsection 3 of section 287.140, RSMo, shall be based on comparable contractual volume-based discounting arrangements.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Scott assumed the Chair.

At the request of Senator Shields, **HB 596**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Mayer assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Scott moved that **SCR 17** be taken up for adoption, which motion prevailed.

Senator Scott moved that **SCR 17** be adopted.

At the request of Senator Scott, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 678**, as amended. Representatives: Byrd, Goodman, Flook, Burnett and Johnson (90).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 74** and **49**, entitled:

An Act to repeal sections 191.332, 192.900, 193.015, 193.085, 193.087, 193.115, 193.125, 193.145, and 701.049, RSMo, and to enact in lieu thereof thirteen new sections relating to the department of health and senior services, with an emergency clause for certain sections.

With House Amendments 1, 2, 3, House Amendment 1 to House Amendment 4 and House Amendment 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 and 49, Section B, Page 11, Lines 7 and 8 by striking the phrase “July 1, 2005” on said line and inserting in lieu thereof the

phrase “June 29, 2005”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 and 49, Section 193.145, Page 11, Line 56 by inserting after all of said line the following:

“195.060. 1. Except as provided in subsection 3 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall **either** write the date of filling and his own signature on the prescription **or retain the date of filling and the identity of the dispenser as electronic prescription information**. The prescription **or electronic prescription information** shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

3. A pharmacist, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

4. It shall be unlawful for controlled substances to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form **or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form** the medical reason for requiring the larger supply.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 74, Section 192.326, Page 3, Line 11 by inserting immediately after said line the following:

“192.375. 1. There is hereby established within the department of health and senior services the “Missouri Senior Advocacy and Efficiency Commission”. The commission shall consist of the following fifteen members, or their designees, who are residents of this state:

- (1) The director of the department of health and senior services;**
- (2) Two members of the Missouri senate, appointed by the president pro tem of the senate;**
- (3) Two members of the Missouri house of representatives, appointed by the speaker of the house;**
- (4) A pharmacist licensed in the state of Missouri, recommended by the Missouri board of pharmacy and appointed by the governor;**
- (5) A representative of the Pharmaceutical Research and Manufacturers of America, appointed by the governor;**
- (6) One members of the Missouri silver-haired legislature, appointed by the governor;**
- (7) One members of the Missouri senior Rx commission, appointed by the governor;**
- (8) One representative from the assisted living community who currently serve on the personal independence commission, appointed by the governor;**
- (9) One representative of the Missouri Area Agency on Aging, appointed by the governor;**
- (10) One member of the special health, psychological, and social needs of minority older individuals commission;**
- (11) One member of the governor's advisory council on aging, appointed by the governor;**
- (12) The lieutenant governor, who shall serve as chair of the commission; and**
- (13) One member from the Missouri council for in-home services, appointed by the governor.**

In making the initial appointment to the committee, the governor, president pro tem, and speaker shall stagger the terms of the appointees so that five members serve an initial terms of one year, five members serve initial terms of two years and five members serve initial terms of three years. All members appointed thereafter shall serve three year terms. All members shall be eligible for reappointment.

Members of the commission shall be appointed by October 1, 2005. Members shall continue to serve until their successor is appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. The commission shall be dissolved on December 31, 2008.

2. Service on the commission shall be voluntary. Subject to appropriations, members of the commission shall receive with reasonable reimbursement for expenses actually incurred in the performance of the member's official duties for members who are not employees of the state of Missouri.

3. Subject to appropriations, the department of health and senior services shall provide administrative support and resources as is necessary for the effective operation of the commission.

4. Meetings shall be held at least every ninety days or at the call of the commission chair.

5. The senior advocacy and efficiency commission shall:

(1) Hold public hearings in accordance with chapter 536, RSMo, to gather information from any state agency, commission, or public entity on issues pertaining to the quality and efficiency of all senior services offered by the state of Missouri;

(2) Analyze state statutes, commissions, and administrative rules regarding services offered by the state of Missouri for senior citizens and designate which programs provide effective and efficient support to seniors and the programs that lack quality;

(3) Establish a mechanism to educate the staff of the member's of the Missouri general assembly to assist seniors, including but not limited to assisting seniors in applying for any and all prescription drug assistance offered under the federal Medicare Prescription Drug Modernization Act of 2003;

(4) Develop a plan that delays the need for the provisions of long-term care outside the residence of senior citizens and allows seniors to remain at home for as long as possible;

(5) Maintain a web site with detailed information regarding all programs and services offered by the state of Missouri which are available to seniors;

(6) Maintain a toll-free senior advocacy support telephone number which directs seniors to all services offered by the state of Missouri which are available to seniors;

(7) Submit an annual report on the activities of the commission to the director of the department of health and senior services, the members of the Missouri general assembly, and the governor by February 1, 2007, and every February first thereafter. Such report shall include, but not be limited to, the following:

- (a) Efficiencies that can be realized by consolidation of senior services offered by Missouri;
- (b) Effectiveness of all senior services, programs, and commissions offered by the state of Missouri;
- (c) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and
- (d) Measurable data to identify the cost effectiveness of the services, programs, and commissions evaluated.

6. Unless reauthorized, the provisions of this section shall sunset on December 31, 2008.”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 and 49, Section 1, Page 3, Line 7 by inserting before the word “**income**” on said line the following:

“**adjusted gross**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 and 49, Section 701.049, Page 11, Line 11 by inserting after all of said line the following:

“Section 1. 1. As used in this section, the term “department” shall mean the Department of Health and Senior Services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 660.661 through 660.687, RSMo, to each person who was participating as a non-Medicaid eligible client pursuant to Sections 178.661 through 178.673, RSMo on June 30, 2005 and who:

- (1) Makes application to the department;
- (2) Demonstrates financial need and eligibility under subsection 3 of this section;
- (3) Meets all the criteria set forth in sections 660.661 through 660.687, RSMo, except for section 660.664.1(5);
- (4) Has been found by the Department of Social Services not to be eligible to participate under guidelines established by the Medicaid state plan; and
- (5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 660.661, RSMo. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state’s current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the person seeking financial assistance and such person’s spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section and such person’s spouse must have an adjusted gross income, less disability-related medical expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level. The adjusted gross income shall be based on the most recent income tax return.

(3) No person seeking financial assistance for personal care services under this section and such person’s spouse shall have assets in excess of two-hundred fifty thousand dollars.

4. The department shall require applicants and the applicant's spouse, and consumers and the consumer's spouse to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. In addition to the most recent income tax return, such documentation may include, but shall not be limited to:

- (a) Current wage stubs for the applicant or consumer and the applicant's or consumer's spouse;**
- (b) A current W-2 form for the applicant or consumer and the applicant's or consumer's spouse;**
- (c) Statements from the applicant's or consumer's and the applicant's or consumer's spouse's employers;**
- (d) Wage matches with the division of employment security;**
- (e) Bank statements; and**
- (f) Evidence of disability-related medical expenses and proof of payment.**

5. A personal care assistance services plan shall be developed by the department pursuant to section 660.667, RSMo for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer's and the consumer's spouse's income for the year involved.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for non payment and makes payments for past due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be re-enrolled unless such person pays any past due premiums as well as current premiums prior to being re-enrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer's personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a re-verification eligibility form letter to the consumer requiring the consumer to respond within ten days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer's response and documentation within the ten-day period, the department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the consumer and the consumer's spouse to provide documentation for income and disability-related medical expense verification for purposes of the eligibility review. Such documentation may include, but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 660.684, RSMo. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form

prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080, RSMo.

10. Unless otherwise provided in this section, all other provisions of sections 660.661 through 660.687, RSMo shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulation, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, 2006.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SS** for **SCS** for **HCS** for **HB 58** as amended be allowed to exceed the differences in Section 250.140 paragraph two (2) to exceed the ninety (90) days of service liability and the watershed provision.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 233**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 233**, as amended. Representatives: St. Onge, Nance, Rector, Swinger and Aull.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 177** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 177**. Representatives: Behnen, Wasson, Tilley, Page and Dougherty.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 233**, as amended: Senators Stouffer, Koster, Dolan, Callahan and Barnitz.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 177**, as amended: Senators Shields, Scott, Dolan, Callahan and Wheeler.

CONCURRENT RESOLUTIONS

Senator Scott moved that **SCR 17** be taken up for adoption, which motion prevailed.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 17 as it appears in the Senate Journal for April 27, 2005, Page 805, Column 1, Lines 34-39, by striking all of said lines and inserting in lieu thereof the following:

“committee herein established shall consist of ten members, three of which shall be members of the Senate appointed by the President Pro Tem of the Senate, two of which shall be members of the Senate appointed by the Minority Leader of the Senate, three of which shall be members of the House of Representatives appointed by the Speaker of the House of Representatives, and two of which shall be members of the House of Representatives appointed by the Minority Leader of the House of Representatives; and”.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **SCR 17**, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Champion	Clemens	Coleman
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Cauthorn Dougherty—2

Absent with leave—Senators—
None

Vacancies—None

RESOLUTIONS

Senator Alter offered Senate Resolution No. 1417, regarding Elizabeth Stout, House Springs, which was adopted.
Senator Alter offered Senate Resolution No. 1418, regarding James Mikko, House Springs, which was adopted.
Senator Alter offered Senate Resolution No. 1419, regarding Aimee L. Wegescheide, Dittmer, which was adopted.
Senator Alter offered Senate Resolution No. 1420, regarding Benjamin J. Wilson, Hillsboro, which was adopted.
Senator Alter offered Senate Resolution No. 1421, regarding Haley N. Peacock, Dittmer, which was adopted.
Senator Coleman offered Senate Resolution No. 1422, regarding Daniel S. Britts, which was adopted.
Senator Shields offered Senate Resolution No. 1423, regarding Skyler McIntosh, Martinsville, which was adopted.
Senator Kennedy offered Senate Resolution No. 1424, regarding Dr. Mitch Murphy, which was adopted.
Senator Kennedy offered Senate Resolution No. 1425, regarding Barb Gregston, which was adopted.
Senator Kennedy offered Senate Resolution No. 1426, regarding Marietta Schwalbe, which was adopted.

Senator Kennedy offered Senate Resolution No. 1427, regarding Marcelline Dairaghi, which was adopted.
Senator Engler offered Senate Resolution No. 1428, regarding David L. Grannemann, which was adopted.
Senator Engler offered Senate Resolution No. 1429, regarding Judith L. Hale, which was adopted.
Senator Engler offered Senate Resolution No. 1430, regarding Patricia Bauman, which was adopted.
Senator Engler offered Senate Resolution No. 1431, regarding David Caputo, which was adopted.
Senator Engler offered Senate Resolution No. 1432, regarding Paul S. Cameron, which was adopted.
Senator Gibbons offered Senate Resolution No. 1433, regarding Dr. Gay Malouf Tompkins, which was adopted.
Senator Vogel offered Senate Resolution No. 1434, regarding Helen Juanita Thompson, which was adopted.
Senator Dougherty offered Senate Resolution No. 1435, regarding Barbara Steward, St. Louis, which was adopted.
Senator Dougherty offered Senate Resolution No. 1436, regarding Jason Christopher Sutterfield, St. Louis, which was adopted.

Senator Engler offered Senate Resolution No. 1437, regarding Penny Kennon, which was adopted.
Senator Engler offered Senate Resolution No. 1438, regarding Ellen Berry, which was adopted.
Senator Engler offered Senate Resolution No. 1439, regarding Shirley Mullikin, which was adopted.
Senator Engler offered Senate Resolution No. 1440, regarding Mary Jo Ellis, which was adopted.
Senator Engler offered Senate Resolution No. 1441, regarding John Poston, which was adopted.
Senator Engler offered Senate Resolution No. 1442, regarding John Gammon, which was adopted.
Senator Engler offered Senate Resolution No. 1443, regarding Jack Goeller, which was adopted.
Senator Engler offered Senate Resolution No. 1444, regarding Cynthia Murdock, which was adopted.
Senator Engler offered Senate Resolution No. 1445, regarding Diana Pattengill, which was adopted.
Senator Engler offered Senate Resolution No. 1446, regarding Susan James, which was adopted.
Senator Stouffer offered Senate Resolution No. 1447, regarding Mary Z. Proffitt, Camden, which was adopted.
Senator Stouffer offered Senate Resolution No. 1448, regarding Ruth Ellen Campbell, Richmond, which was adopted.
Senator Stouffer offered Senate Resolution No. 1449, regarding Linda Douglas, Richmond, which was adopted.
Senator Stouffer offered Senate Resolution No. 1450, regarding Karen McBee, which was adopted.
Senator Stouffer offered Senate Resolution No. 1451, regarding Carolyn Pugh, which was adopted.
Senator Coleman offered Senate Resolution No. 1452, regarding Cara DeHekker, Webster Groves, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, Seth Davenport and Reyo Gerleman, Miami; and Seth and Reyo were made honorary pages.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Kristen Hahn-Cover, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 9:00 a.m., Wednesday, May 11, 2005.

SENATE CALENDAR

SIXTY-EIGHTH DAY–WEDNESDAY, MAY 11, 2005

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan

SB 326-Nodler, with SCS

SB 417-Engler, et al

SB 466-Vogel, with SCS

SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 192, with SCS (Cauthorn)

(In Fiscal Oversight)

HB 100-Cunningham, et al, with SCS

(Loudon)

HCS for HB 972, with SCS (Nodler) (In

Fiscal Oversight)

HB 789-Salva, et al (Engler)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan (In Fiscal

Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS

(pending)

SB 12-Cauthorn and Klindt

SB 29-Dolan, with SCS & SA 1 (pending)

SB 44-Wheeler and Bray, with SCS

SB 50-Taylor and Nodler, with SCS & SS

for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS

(pending)

SB 64-Kennedy, with SCS

SB 90-Dougherty, with SCS

SB 93-Cauthorn, with SCS

SB 152-Wilson, with SCS (pending)

SB 159-Cauthorn

SB 160-Bartle, et al, with SS (pending)

SB 185-Loudon, et al, with SA 1 & SA 1

to SA 1 (pending)

SB 199-Gross

SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
(pending)
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS

SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS#2 for HBs 94 & 185 (Koster)
HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 186, with SCS (Scott)
HB 196-Wildberger, et al, with SCS (Koster)

HCS for HB 208, with SCS (Crowell)
HCS for HB 276 (Nodler)
HB 320-Muschany, et al, with SCS & SS
for SCS (pending) (Nodler)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)
HCS for HB 394, with SCS (Engler)
HB 417-Yates, et al, with SCS (Loudon)
HCS for HB 440 (Engler)

HCS for HB 461 (Griesheimer)
HCS for HB 468, with SCS (Scott)
HCS for HB 498 (Koster)
HB 530-Moore, et al (Loudon)
HB 539-Icet, et al, with SCS (Nodler)
HB 564-Boykins, et al (Coleman)

HCS#2 for HB 568 (Nodler)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf, with SA 1 (pending) (Shields)
HCS for HB 606 (Kennedy)
HB 617-Kelly (144), et al, with SCS (Clemens)
HB 832-Brooks, et al (Wilson)
HCS for HB 863, with SCS & SS for SCS
(pending) (Taylor)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)

HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)

HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 74 & 49-Champion,
with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS,
as amended
SB 177-Shields, with HCS
SS for SCS for SB 210-Griesheimer, with
HCS, as amended
SCS for SB 233-Stouffer, with HCS,
as amended

SS for SB 343-Bartle, with HCS,
as amended
HCS for HB 58, with SS for SCS,
as amended (Griesheimer)
HB 678-Byrd, with SCS,
as amended (Bartle)

Requests to Recede or Grant Conference

SCS for SBs 221, 250 & 256-Dolan, with
HCS, as amended (Senate requests
House recede or grant conference)
SCS for SB 355-Griesheimer, et al, with
HCS, as amended (Senate requests
House recede or grant conference)

SCS for SB 390-Taylor, with HA 1 & HA 3
(Senate requests House recede or
grant conference)

RESOLUTIONS

Reported from Committee

SCR 10-Scott

SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al (Nodler)
HCR 15-Baker (123) (Koster)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
HCR 23-Sutherland, et al (Mayer)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY—WEDNESDAY, MAY 11, 2005

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

Merciful Father, it has been a long two days and we are tired and sometimes short on patience so we need Your help this day so that we might practice what You have taught us: To be “ ‘...slow in anger and abounding in steadfast love’ and patience.” Walk with us this day as we discuss and discern the needs of the people of this state and how to be instruments of healing in a troubling time and world. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was present.

CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 343**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 343

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 343 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 343;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 343;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 343, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Matt Bartle
/s/ John Loudon
/s/ Charlie Shields
/s/ Rita Heard Days
/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Ronald Richard
/s/ Tim Flook
/s/ David Pearce
/s/ Fred Kratky
/s/ Michael Spreng

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields

NAYS—Senators—None

Absent—Senator Ridgeway—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Bartle, **CCS** for **HCS** for **SS** for **SB 343**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 343

An Act to repeal sections 99.960, 100.710, and 135.284, RSMo, and section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1182, ninety-second general assembly, second regular session, section 100.850 as enacted by house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, first regular session, section 100.850 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 1394, ninety-second general assembly, second regular session, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, ninetieth general assembly, first regular session, and to enact in lieu thereof fifteen new sections relating to job development programs administered by the department of economic development.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Scott	Shields	Stouffer

NAYS—Senators—None

Absent—Senators

Dolan

Ridgeway—2

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Bartle, title to the bill was agreed to.
Senator Bartle moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 287**, entitled:

An Act to repeal sections 148.360, 149.015, 160.264, 160.415, 160.530, 160.531, 160.534, 160.550, 161.527, 162.081, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 165.121, 166.260, 166.275, 167.126, 167.151, 167.332, 168.110, 168.126, 168.281, 168.515, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof forty-six new sections relating to education, with a contingent effective date for certain sections and penalty provisions.

With House Amendments 1, 2, 3, House Amendment 1 to House Amendment 4, House Amendment 4, as amended, House Amendment 1 to House Amendment 5, House Amendment 5, as amended, House Amendment 1 to House Amendment 6, House Amendment 6, as amended, House Amendments 7, 8, 9, 10, 13 and 14.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 86, Section B, Line 14, by deleting the words “section A” and inserting in lieu thereof the following:

“the sections listed in subsection 1 of this section” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 38, Section 163.044, Lines 1 to 5, by deleting said lines and inserting in lieu there of the following:

“163.044. 1. Beginning with the 2007 fiscal year and each subsequent fiscal year, the general assembly shall appropriate fifteen million dollars to be directed to school districts with an average daily attendance of three hundred fifty students or less in the school year preceding the payment year and with an operating levy for school purposes in the current year equal to or greater than the performance levy. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district’s average daily attendance in the school year preceding the payment year. The total appropriation pursuant to

this section shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district." ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 31, Section 163.031, Line 203, by inserting after all of said line the following:

"(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:" ; and

Further amend said bill, Section 163.031, Page 31, Lines 204, 212, 220, and 227 by redesignating subdivisions (1), (2), (3), and (4) as paragraphs (a), (b), (c), and (d); and

Further amend said bill, Section 163.031, Page 31, Line 228, by deleting "subdivision (3) of this subsection" and inserting in lieu thereof the following: **"paragraph (c) of this subdivision"** ; and

Further amend said bill, Section 163.031, Line 230, by inserting after all of said line the following:

"(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one.

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one.

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier.

(d) For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision." ; and

Further amend said bill, Section 163.031, Page 31, Line 231, by redesignating (5) as (3); and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1 of said amendment, Line 3, by striking "ten" and inserting in lieu thereof "fifteen" ; and

Further amend said bill, Section 163.011, Page 16, Line 106, by inserting after the word "year" the following:

"and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas" ; and

Further amend said bill, Section 163.011, Page 16, Line 112, by inserting after the word "established" the following:

"and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas" ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 15, Section 163.011, Line 93, by deleting the word “**fifteen**” and inserting in lieu thereof the following: “**ten**” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1 of said amendment, Line 2 by deleting “Lines 6 to 15, by deleting all of said lines” and inserting the following:

“Lines 6 to 8, by deleting all of said lines and inserting in lieu thereof the following:

2. The committee shall report to the state tax commission any concerns it finds regarding the state’s assessment practices as outlined under chapter 137, RSMo. The state tax commission shall ensure that all counties are accurately assessed, as provided by statute. ; and

Further amend said bill, Pages 76 and 77, Lines 9 to 15, by deleting all of said lines.” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 1, Pages 76 and 77, Lines 6 to 15, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 6

Amend House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Lines 4 and 5 by deleting the words “**the average daily attendance-weighted mean operating levy for school purposes for the 2004-05**” and inserting in lieu thereof the following: “**three dollars and fifty cents;**” ; and

Further amend said amendment by inserting after all of Line 5 the following:

“Further amend said bill, Page 20, Section 163.011, Lines 250 to 252 by deleting all of said lines” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 20, Section 163.011, Lines 248 and 249, by deleting all of said lines and inserting in lieu thereof the following:

“(14) ‘Performance levy’, the average daily attendance-weighted mean operating levy for school purposes for the 2004-05” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 12, Section 162.081, Line 96, by inserting after all of said line the following:

“162.675. As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) “Gifted children”, children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum;

(2) “Handicapped children”, children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;

(3) “Severely handicapped children”, handicapped children under the age of twenty-one years who[, because of the extent of the handicapping condition or conditions, as determined by competent professional evaluation, are unable

to benefit from or meaningfully participate in programs in the public schools for handicapped children. The term "severely handicapped" is not confined to a separate and specific category but pertains to the degree of disability which permeates a variety of handicapping conditions and education programs] **meet the eligibility criteria for state schools for severely handicapped children, identified in state regulations that implement the Individuals with Disabilities Education Act;**

(4) "Special educational services", programs designed to meet the needs of handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling, itinerant, homebound and referral assistance, organized instructional and therapeutic programs, transportation, and corrective and supporting services.

162.740. The district of residence of each child attending a state school for severely handicapped children[, an institution providing contractual services arranged pursuant to section 162.735,] or an educational program for a full-time patient or resident at a facility operated by the department of mental health, except school districts which are a part of a special district and except special school districts, shall pay toward the cost of the education of the child an amount equal to the average sum produced per child by the local tax effort of the district. The district of residence shall be notified each year, not later than December fifteenth, of the names and addresses of pupils enrolled in such schools. In the case of a special district, said special district shall be responsible for an amount per child not to exceed the average sum produced per child by the local tax efforts of the component districts. The district of residence of the child's parents or guardians shall be the district responsible for local tax contributions required by this section."; and

Further amend said bill, Page 13, Section 162.935, Line 35, by inserting after all of said line the following:

"162.974. 1. The state department of elementary and secondary education shall reimburse school districts, including special school districts, for the educational costs of high-need children with an individualized education program exceeding three times the current expenditure per average daily attendance as calculated on the district annual secretary of the board report for the year in which expenditures are claimed.

2. A school district shall submit, through timely application, as determined by the state department of elementary and secondary education, the cost of serving any student, as provided in subsection 1 of this section."; and

Further amend said bill, Page 80, Section 160.550, Line 39, by inserting after all of said line the following:

"[162.725. 1. The state board of education shall provide special educational services for all severely handicapped children residing in school districts which are not included in special districts provided that such school districts are unable to provide appropriate programs of special instruction for severely handicapped children; however, this shall not prevent any school district from conducting a program for the special instruction of severely handicapped children, except that such program must provide substantially the same special educational services as would be provided in a school operated by the state board of education and such program must be approved by the state department of elementary and secondary education in accordance with regulations established pursuant to section 162.685.

2. Special educational programs shall be established which are designed to develop the individual pupil in order that he may achieve the best possible adjustment in society under the limitation of his handicap.

3. When special districts have been formed to serve handicapped and severely handicapped children under the provisions of sections 162.670 to 162.995, severely handicapped children residing in school districts comprising the special district shall be educated in programs of the special district.]

[162.735. The state department of elementary and secondary education may assign severely handicapped children, except severely handicapped children residing in special school districts and in districts providing approved special educational services for severely handicapped children, to state schools for severely handicapped children, the school for the blind or the school for the deaf. Furthermore, the state board of education may contract for the education of a severely handicapped child with another public agency or with a private agency when the state department of elementary and secondary education determines that such an arrangement would be in the best interests of the severely handicapped child. Assignment of severely handicapped children under this section shall be made to a particular school or program which, in the judgment of the state department of elementary and secondary education, can best provide special educational services, and such assignment shall be made upon the basis of competent evaluations; provided, however, the

assignment may be appealed by a parent or guardian pursuant to sections 162.945 to 162.965. Children who are not residents of this state may be admitted to these schools if the schools have the capacity to receive them and upon payment of full tuition and costs as prescribed by the state board of education.]; and Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 77, Section 1, Line 15, by inserting after all of said line the following:

“Section 2. In any school year after the 2009-2010 school year, if there is a twenty-five percent decrease in the statewide percentage of average daily attendance attributable to summer school compared to the percentage of average daily attendance attributable to summer school in the 2005-2006 school year, then for the subsequent school year, weighted average daily attendance, as such term is defined in section 163.011, RSMo, shall include the addition of the product of twenty-five hundredths times the average daily attendance for summer school.” ; and

Further amend said bill, Page 86, Section B, Line 2, by deleting “and 1” and inserting in lieu thereof the following: “1, and 2”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 160.415, Pages 4 to 6, Lines 1 to 77, by deleting all of said lines and inserting in lieu thereof the following:

“160.400. 1. A charter school is an independent[, publicly supported] public school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]

(3) A community college located in the district; **or**

(4) Any private four-year college or university in Missouri with its primary campus located in the standard metropolitan statistical area of a district in which charter schools are permitted, an enrollment of at least one thousand students, and with an approved teacher preparation program.

3. [A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.] **The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school, which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor

other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located[, when] and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of

the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; [and]
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; **and**
- (6) **A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.**

2. Proposed charters shall be subject to the following requirements:

- (1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision **of approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;
- (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial;**
- (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, **that the applicant is sufficiently qualified to operate the charter school**, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and**
- (4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, [it] **the charter application** shall be submitted to the state board of education [which], **along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may, within [forty-five] sixty days, disapprove the granting of the charter. The state board of education may disapprove a**

charter [only] on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 **and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.**

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, **county, or city** relating to health, safety, and **state** minimum educational standards, **as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;**

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements,** and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. **A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located.** For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) **(a)** Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members,** report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance

standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide along with any request for review by the state board of education the following:

(a) Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and

(b) A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years **or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.**

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information,** or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, **which may require a change of methodology, a change in leadership, or both,** after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the [board of directors] **governing board** of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's [board of directors] **governing board** may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349 RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] 10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful

reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, “unlawful reprisal” means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain a surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates, [or]

(2) **Nonresident pupils** eligible to attend a district's school under an urban voluntary transfer program, **and**

(3) **In the case of a workplace charter school, any student eligible to attend under subdivisions (1) or (2) of this subsection whose parent is employed in the business district,** who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. **The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.** If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school **or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school.**

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

4. A charter school shall make available for public inspection, and provide upon request, to the parent,

guardian, or other custodian of any school-age pupil resident in the district in which the school is located, the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free [or reduced-price] **and reduced lunch [or other], special education, or limited English proficiency status, as well as eligibility for** categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside [and]. **The charter school shall report the average daily attendance data, free and reduced lunch count, special education pupil count, and limited English proficiency pupil count** to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the [equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school] **charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo,** plus all other state aid attributable to such pupils[, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo].

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

~~[(4)]~~ **(5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.**

~~[(5) The per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.]~~

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060, RSMo.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils. If a charter school declares itself as a local education agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount

specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted [in its next payment] **equally in the next twelve payments** by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo. **During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.**

[4.] **6.** The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

[5.] **7.** A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

[6.] **8.** A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

[7.] **9.** (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

[8.] **10.** A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

[9.] **11.** A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

[10.] **12.** Charter schools shall not have the power to acquire property by eminent domain.

[11.] **13.** The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.420. 1. Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. **[A] The district's policy shall provide that any teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and retains such teacher's seniority rights in the district for three years.** The school district shall not be liable for any such employee's acts while an employee

of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All [noncertified] **noncertificated** instructional personnel shall be supervised by [certified] **certificated** instructional personnel. **A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. **The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education.** Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.” ; and

Further amend said bill, Section 167.332, Page 66, Line 19, by inserting after all of said line the following:

“167.349. In any school district to which any provisions of sections 167.340 to 167.346 apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district **and any campus of the state university located in a county of the third classification** may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies.” ; and

Further amend said bill, Section B, Page 86, Line 2, by deleting “160.415,” and inserting in lieu thereof the following: “160.400, 160.405, 160.410, 160.415, 160.420,” ; and

Further amend said bill, Section B, Page 86, Line 5, by inserting immediately after the figure “167.332,” the following: “167.349,” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 77, Section 1, Line 15, by inserting after all of said line the following:

“Section 2. Other provisions of law to the contrary notwithstanding, a transfer corporation formed pursuant to section 162.1060, RSMo, shall receive state aid as calculated in this section:

(1) For purposes of determining weighted average daily attendance pursuant to section 163.011, RSMo, and for the purposes of determining state aid pursuant to sections 163.031, 163.043, and 163.087, RSMo, and any other source of state aid distributed on a per-pupil basis, students attending a district other than their district of residence pursuant to a court-approved transfer program shall be credited to, and all related per pupil aid shall be paid to, the transfer corporation instead of to any other district. The weighted average daily attendance and state aid calculation for the transfer corporation shall be treated on the same basis as the calculation for a separate school district; and

(2) For the eighth year of operation and thereafter, the transfer corporation shall receive transportation state aid for each student that participates in the transfer program in the amount of one hundred fifty-five percent of the statewide average per pupil cost for transportation for the second preceding school year provided that such aid shall not exceed seventy-five percent of necessary transportation costs.” ; and

Further amend said bill, Page 86, Section B, Line 2, by deleting “and 1” and inserting in lieu thereof the following: “1, and 2” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 2, Section 142.816, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

“142.816. 1. Motor fuel sold to be used to operate buses to transport students to or from public school or to transport public school students” ; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 72, Section 168.515, Line 77, by inserting after all of said line the following:

“169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school

district, and provided that no such retired certificated teacher shall be employed as a superintendent. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

4. In order to hire teachers and noncertificated employees pursuant to the provisions of this section, the school district shall:

(1) Show a good faith effort to fill positions with nonretired certificated teachers or nonretired noncertificated employees;

(2) Post the vacancy for at least one month;

(3) Have not offered early retirement incentives for either of the previous two years;

(4) Solicit applications through the local newspaper, other media, or teacher education programs;

(5) Determine there is an insufficient number of eligible applicants for the advertised position; and

(6) Declare a critical shortage of certificated teachers or noncertificated employees that is active for one year.

5. Any person hired pursuant to this section shall be included in the State Director of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 287**, as amended, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Champion moved that **SS** for **SCS** for **SBs 74** and **49**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 74** and **49**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 74 and 49**

An Act to repeal sections 191.332, 192.900, 193.015, 193.085, 193.087, 193.115, 193.125, 193.145, and 701.049, RSMo, and to enact in lieu thereof thirteen new sections relating to the department of health and senior services, with an emergency clause for certain sections.

Was taken up.

Senator Champion moved that **HCS** for **SS** for **SCS** for **SBs 74** and **49**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt

Koster	Mayer	Nodler	Purgason
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		
	NAYS—Senators		
Crowell	Loudon	Ridgeway	Scott—4
	Absent—Senators—None		
	Absent with leave—Senators—None		
	Vacancies—None		

President Kinder assumed the Chair.

Senator Champion moved that **HCS** for **SS** for **SCS** for **SBs 74** and **49**, as amended, be read the 3rd time and finally passed.

At the request of Senator Champion, the above motion was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 972**, with **SCS**; and **HCS** for **HB 192**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HB 617, with **SCS**, introduced by Represen-tative Kelly (144), et al, entitled:

An Act to repeal sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031, and 701.038, RSMo, and to enact in lieu thereof four new sections relating to watershed districts.

Was called from the Informal Calendar and taken up by Senator Clemens.

SCS for **HB 617**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 617An Act to repeal sections 249.1150, 249.1152, 249.1154, 249.1155, 640.635, 644.076, 701.031, 701.038, and 701.053, RSMo, and to enact in lieu thereof five new sections relating to watershed districts.

Was taken up.

Senator Clemens moved that **SCS** for **HB 617** be adopted.

Senator Clemens offered **SS** for **SCS** for **HB 617**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 617

An Act to repeal sections 249.1150, 249.1152, 249.1154, 640.635, 644.076, 701.031, 701.038, and 701.053, RSMo, and to enact in lieu thereof five new sections relating to watershed districts.

Senator Clemens moved that **SS** for **SCS** for **HB 617** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 617, Page 11, Section 249.1150, Line 28, by inserting after all of said line the following:

“432.070. No county, city, town, village, school township, school district or other municipal corporation shall make any contract, unless the same shall be within the scope of its powers or be expressly authorized by law, nor unless such contract be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made, and shall be subscribed by the parties thereto, or their agents authorized by law and duly appointed and authorized in writing. **Notwithstanding the foregoing, any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants which has committed or agreed in writing to provide sewer services shall give its customers two years' prior written notice of its intent to discontinue services, and during such two-year period, shall continue to honor the terms of its commitment or agreement. In no event shall any sewer service connected under such commitment or agreement be discontinued.**”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, SA 1 was withdrawn.

Senator Cauthorn offered SA 2:

SENATE AMENDMENT NO. 2 Amend Senate Substitute for Senate Committee Substitute for House Bill No. 617, Page 11, Section 249.1150, Line 28, by inserting immediately after said line the following:

“644.016. When used in sections 644.006 to 644.141 and in standards, rules and regulations promulgated pursuant to sections 644.006 to 644.141, the following words and phrases mean:

(1) “Aquaculture facility”, a hatchery, fish farm, or other facility used for the production of aquatic animals that is required to have a permit pursuant to the federal Clean Water Act, as amended, 33 U.S.C. 1251 et seq.;

(2) “Commission”, the clean water commission of the state of Missouri created in section 644.021;

(3) “Conference, conciliation and persuasion”, a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) “Department”, the department of natural resources;

(5) “Director”, the director of the department of natural resources;

(6) “Discharge”, the causing or permitting of one or more water contaminants to enter the waters of the state;

(7) “Effluent control regulations”, limitations on the discharge of water contaminants;

(8) “General permit”, a permit written with a standard group of conditions and with applicability intended for a designated category of water contaminant sources that have the same or similar operations, discharges and geographical locations, and that require the same or similar monitoring, and that would be more appropriately controlled pursuant to a general permit rather than pursuant to a site-specific permit;

(9) “Human sewage”, human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from household or establishment appurtenances;

(10) “Income” includes retirement benefits, consultant fees, and stock dividends;

(11) “Minor violation”, a violation which possesses a small potential to harm the environment or human health or cause pollution, was not knowingly committed, and is not defined by the United States Environmental Protection Agency as other than minor;

(12) “Permit by rule”, a permit granted by rule, not by a paper certificate, and conditioned by the permit holder's compliance with commission rules;

(13) “Permit holders or applicants for a permit” shall not include officials or employees who work full time for any department or agency of the state of Missouri;

(14) “Person”, any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;

(15) “Point source”, any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or

vessel or other floating craft, from which pollutants are or may be discharged. **Point source does not include agricultural stormwater discharges and return flows from irrigated agriculture;**

(16) “Pollution”, such contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is reasonably certain to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial uses, or to wild animals, birds, fish or other aquatic life;

(17) “Pretreatment regulations”, limitations on the introduction of pollutants or water contaminants into publicly owned treatment works or facilities which the commission determines are not susceptible to treatment by such works or facilities or which would interfere with their operation, except that wastes as determined compatible for treatment pursuant to any federal water pollution control act or guidelines shall be limited or treated pursuant to this chapter only as required by such act or guidelines;

(18) “Residential housing development”, any land which is divided or proposed to be divided into three or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan for residential housing;

(19) “Sewer system”, pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or handling;

(20) “Significant portion of his or her income” shall mean ten percent of gross personal income for a calendar year, except that it shall mean fifty percent of gross personal income for a calendar year if the recipient is over sixty years of age, and is receiving such portion pursuant to retirement, pension, or similar arrangement;

(21) “Site-specific permit”, a permit written for discharges emitted from a single water contaminant source and containing specific conditions, monitoring requirements and effluent limits to control such discharges;

(22) “Treatment facilities”, any method, process, or equipment which removes, reduces, or renders less obnoxious water contaminants released from any source;

(23) “Water contaminant”, any particulate matter or solid matter or liquid or any gas or vapor or any combination thereof, or any temperature change which is in or enters any waters of the state either directly or indirectly by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or would cause pollution upon entering waters of the state, or which violates or exceeds any of the standards, regulations or limitations set forth in sections 644.006 to 644.141 or any federal water pollution control act, or is included in the definition of pollutant in such federal act;

(24) “Water contaminant source”, the point or points of discharge from a single tract of property on which is located any installation, operation or condition which includes any point source defined in sections 644.006 to 644.141 and nonpoint source pursuant to any federal water pollution control act, which causes or permits a water contaminant therefrom to enter waters of the state either directly or indirectly;

(25) “Water quality standards”, specified concentrations and durations of water contaminants which reflect the relationship of the intensity and composition of water contaminants to potential undesirable effects;

(26) “Waters of the state”, all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Clemens raised the point of order that **SA 2** is out of order, as it goes beyond the scope and purpose of the bill.

Senator Purgason raised a second point of order that **SA 2** is out of order, as it is improperly drafted.

The points of order were referred to the President Pro Tem.

At the request of Senator Purgason, his point of order was withdrawn.

President Pro Tem Gibbons ruled the point of order raised by Senator Clemens not well taken.

SA 2 was again taken up.

Senator Cauthorn moved that **SA 2** be adopted, which motion failed.

Senator Scott assumed the Chair.

Senator Clemens offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 617, Page 14-15, Section 701.031, by striking all of said section from bill; and

Further amend the title and enacting clause accordingly.

Senator Clemens moved that the above amendment be adopted.

At the request of Senator Clemens, **SA 3** was withdrawn.

Senator Clemens moved that **SS** for **SCS** for **HB 617** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **HB 617** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Clemens
Coleman	Crowell	Dolan	Engler
Gibbons	Griesheimer	Gross	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor

Vogel—21

NAYS—Senators

Bray	Callahan	Champion	Days
Dougherty	Green	Kennedy	Wheeler

Wilson—9

Absent—Senators

Cauthorn	Graham	Klindt	Koster—4
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 287**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 287**, as amended: Senators Shields, Nodler, Bartle, Days and Kennedy.

PRIVILEGED MOTIONS

Senator Champion moved that **HCS** for **SS** for **SCS** for **SBs 74** and **49**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Champion, **HCS** for **SS** for **SCS** for **SBs 74** and **49**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Crowell Loudon—2

Absent—Senators

Engler Graham Koster—3

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Loudon—1

Absent—Senators

Graham

Koster—2

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Taylor moved that **HCS** for **HB 863**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 863** was again taken up.

Senator Taylor moved that **SS** for **SCS** for **HCS** for **HB 863** be adopted.

At the request of Senator Taylor, **HCS** for **HB 863**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **HCS** for **HB 665**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1453, regarding Daniel Cowdry, Fenton, which was adopted.

Senator Dougherty offered Senate Resolution No. 1454, regarding the Alvin J. Siteman Cancer Center, Saint Louis, which was adopted.

Senator Graham offered Senate Resolution No. 1455, regarding Traci Hoffmann, Olathe, Kansas, which was adopted.

Senator Loudon offered Senate Resolution No. 1456, regarding Christopher Michael Fluharty, Springfield, which was adopted.

Senator Purgason offered Senate Resolution No. 1457, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Archie Leonard, Mountain View, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

Senator Shields requested unanimous consent of the Senate that the Senate conferees on **HCS** for **SS** for **SCS** for **SB 287**, as amended, be allowed to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 287**, as amended.

Representatives: Baker (123), Lager, Cunningham (145), Bringer and Corcoran.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 500**, entitled:

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof nine new sections relating to family cost participation in the Missouri Part C early intervention system.

With House Amendments 1, 2, and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, Page 8, Section 1, Line 4, by inserting after all of said line the following:

“Section 2. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

(1) The provisions of the program authorized under sections 160.900 to 160.925, RSMo, section 162.700, RSMo, and section 1 of this act shall automatically sunset two years after the effective date of sections 160.900 to 160.925, RSMo, section 162.700, RSMo, and section 1 of this act unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 160.900 to 160.925, RSMo, section 162.700, RSMo, and section 1 of this act shall automatically sunset twelve years after the effective date of the reauthorization of sections 160.900 to 160.925, RSMo, section 162.700, RSMo, and section 1 of this act; and

(3) Sections 160.900 to 160.925, RSMo, section 162.700, RSMo, and section 1 of this act shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 160.900 to 160.925, RSMo, section 162.700, RSMo, and section 1 of this act is sunset.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, Section 1, Page 8, Line 4, by inserting after all of said line the following:

“Section B. Because immediate action is necessary to ensure the continuation of early intervention services to infants and toddlers with disabilities section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 2005, or upon its passage and approval, whichever later occurs.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, Section 160.920, Page 5, Lines 28 and 29, by deleting all of said lines and inserting in lieu thereof the following, **“with the fee implementation beginning with families whose adjusted gross income is at least one hundred forty thousand dollars;; and**

Further amend said section, Page 5, Line 30, by striking the word, **“one”** and inserting in lieu thereof the word, **“two”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 353**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

HOUSE BILLS ON THIRD READING

HCS for **HB 461**, entitled:

An Act to repeal section 137.078, RSMo, and to enact in lieu thereof three new sections relating to assessment of

business personal property.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

At the request of Senator Griesheimer, **HCS for HB 461** was placed on the Informal Calendar.

HCS No. 2 for HB 568, entitled:

An Act to repeal sections 210.117, 211.037, 211.038, 211.447, 452.375, and 452.400, RSMo, and to enact in lieu thereof six new sections relating to protection of children.

Was called from the Informal Calendar and taken up by Senator Nodler.

Senator Nodler offered **SS for HCS No. 2 for HB 568**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR HOUSE BILL NO. 568

An Act to repeal sections 210.117, 211.037, 211.038, 452.375, and 452.400, RSMo, and to enact in lieu thereof six new sections relating to protection of children.

Senator Nodler moved that **SS for HCS No. 2 for HB 568** be adopted.

Senator Mayer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill 568, Page 2, Section 210.114, Line 2 by adding after all of said section the following:

“210.116. 1. Except as otherwise provided in section 207.085, RSMo, a private contractor, as defined in subdivision (4) of section 210.110, with the children’s division that receives state moneys from the division or the department for providing services to children and their families shall have qualified immunity from civil liability for providing such services when the child is not in the physical care of such private contractor to the same extent that the children’s division has qualified immunity from civil liability when the division or department directly provides such services.

2. This section shall not apply if a private contractor described above knowingly violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to child abuse and neglect or any local ordinance relating to the safety condition of the property.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Mayer moved that the above amendment be adopted.

At the request of Senator Mayer, **SA 1** was withdrawn.

Senator Shields offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 1, Section A, Line 4, by inserting after all of said line the following:

“167.229. 1. The department of elementary and secondary education shall establish a “Model School Wellness Program”, and any moneys appropriated, other than general revenue, by the general assembly for this program shall be used by selected school districts to establish school-based pilot programs that focus on encouraging students to establish and maintain healthy lifestyles. The moneys appropriated shall be from the Child Nutrition and WIC Reauthorization federal grant money. These programs shall include tobacco prevention education and the promotion of balanced dietary patterns and physical activity to prevent becoming overweight or obese, and discussion of serious and chronic medical conditions that are associated with being overweight. The content of these programs shall address state and national standards and guidelines established by the No Child Left Behind Act, the Healthy People 2010 Leading Health Indicators as compiled by the National Center for Health Statistics, and the Produce for Better Health Foundation's “5 A Day, The Color Way” program.

2. School districts may apply for one-year grants for school year 2005-2006 under this section. The department shall establish selection criteria and methods for distribution of funds to school districts applying for such funds. The department shall promulgate rules to implement the provisions of this section.

3. A school district that receives a grant under this section shall use the funds to plan and implement the program in a diverse sampling of schools in each district. The programs shall address students' academic

success as well as health concerns, and encourage links between the school and home settings to promote active healthy lifestyles across the students' learning environments. The tobacco prevention initiative shall focus on grades four and five to target students before they transition into middle grades. The obesity prevention programs will cover sequential wellness education across grades kindergarten through fifth grades. These programs shall:

- (1) Be multidisciplinary, addressing academic standards in language arts, math, and health;
 - (2) Provide multimedia resources that engage the students;
 - (3) Be evidence-based showing successful implementation including positive changes in desired outcomes, such as changes in body mass index or attitudes towards tobacco use;
 - (4) Be able to be integrated in to the core classroom at the elementary level; and
 - (5) Be sustainable and provide open web-based resources to teachers and students across Missouri.
4. Hands-on professional development opportunities shall be provided in local districts for the teachers who will be implementing the program. Ongoing support shall be provided to the teachers and schools during the pilot period.

5. Following the completion of the 2005-2006 school year, the department shall evaluate the effectiveness of the model school wellness program in increasing knowledge, changing body mass index, improving attitudes and behaviors of students related to nutrition, physical activity, or tobacco use.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

7. Pursuant to section 23.353, RSMo, of the Missouri sunset act:

- (1) The provisions of this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and
- (3) This section shall terminate on September 1 of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Green offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 1, Section A, Line 4, by inserting after all of said line the following:

“165.121. 1. The school board of each seven-director district shall cause an audit examination to be made at least biennially of all financial, transportation and attendance records of the districts. Such examination shall be made in accordance with generally accepted auditing standards applicable in the circumstances, including such reviews and tests of the system of internal check and control and of the books, records and other underlying data as are necessary to enable the independent accountant performing the audit to come to an informed opinion as to the financial affairs (including attendance and transportation transactions) of the district. An independent auditor who is not regularly engaged as an employee of the school board shall perform the audit and make a written report of his findings.

2. The board shall supply each member thereof with a copy of the report and in addition shall furnish one copy each to the state department of elementary and secondary education and to the superintendent of schools of the county in which the district is located. The cost of the audit and report shall be paid for out of the incidental fund of the district.

3. The report shall contain the following information:

- (1) A statement of the scope of examination;
- (2) The auditor's opinion as to whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances;
- (3) The auditor's opinion as to whether the financial statements included in the audit report present fairly the results of the operations during the period audited;
- (4) The auditor's opinion as to whether the financial statements accompanying the audit report were prepared in accordance with generally accepted accounting principles applicable to school districts;
- (5) The reason or reasons an opinion is not rendered with respect to items (3) and (4) in the event the auditor is unable to express an opinion with respect thereto;
- (6) The auditor's opinion as to whether the district's budgetary and disbursement procedures conform to the requirements of chapter 67, RSMo;
- (7) The auditor's opinion as to whether attendance and transportation records are so maintained by the district as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;
- (8) Financial statements presented in such form as to disclose the operations of each fund of the school district and a statement of the operations of all funds.

4. The school board shall furnish the state department of elementary and secondary education with its copy of the audit report not later than October thirty-first following the close of the fiscal period covered by the audit unless, for good cause shown prior to such date, the commissioner of education or some officer of the department of elementary and secondary education designated by him for this purpose grants an extension of time, not to exceed sixty additional days, for the filing of the report. In the event the report in the approved form is not filed within the period or extension thereof, further state aid to the district shall thereafter be withheld until the audit report has been received by the department of elementary and secondary education.

5. Within thirty days of the receipt of the audit report the school board shall cause a summary of the report to be prepared which shall include, together with any other matter the board deems appropriate, the following:

- (1) A summary statement of fund balances and receipts and disbursements by major classifications of each fund and all funds;
- (2) A summary statement of the scope of the audit examination;
- (3) The auditor's opinion on the financial statements included in the audit report.

Immediately upon the completion of the summary, the school board shall cause it to be published once in a newspaper within the county in which all or a part of the district is located which has general circulation within the district or, if there is none, then the board shall cause the summary to be posted in at least five public places within the district. The publication shall contain information as to where the audit report is available for inspection and examination. The report shall be kept available for such purposes thereafter.

6. The state Auditor shall have the authority to audit any public school district in the state.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 3** is out of order, as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Scott offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 1, Section A, Line 4, by inserting after all of said line the following:

“167.195. 1. Beginning July 1, 2006, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or ophthalmologist. The examination, or a copy of a prior examination if the child has previously received a vision examination under this section, shall be submitted to the school no later than January 1 of the first year in which the student is enrolled at the school.

2. The state board of education shall promulgate rules for the criteria for meeting the requirements of subsection 1 of this section, which may include, but are not limited to, forms or other proof of such

examination, or other rules as are necessary for the enforcement of this section.

3. The department of elementary and secondary education, in conjunction with the department of health and senior services, shall compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced cost basis. The sources may include individuals, and federal, state, local government, and private programs. The department of elementary and secondary education shall ensure that the superintendent of schools, the principal of each elementary school, the school nurse or other person responsible for school health services, and the parent organization for each district elementary school receives an updated copy of the list each year prior to school opening. Professional and service organizations concerned with vision health may assist in gathering and disseminating the information, at the direction of the department of elementary and secondary education.

4. For purposes of this section, the following comprehensive vision examinations shall be performed:

- (1) Complete case history;
- (2) Visual acuity at distance:
 - (a) Unaided (mono plus binocular);
 - (b) Last prescription or habitual prescription (mono plus binocular);
- (3) External examination, including pupil reactivity;
- (4) Internal examination (ophthalmoscopic examination);
- (5) Retinoscopy;
- (6) Refractive status:
 - (a) Subjective refraction to best visual acuity at distance;
 - (b) Subjective refraction at near;
- (7) Measurement of binocularity, including vergences, phoric, and accommodative ability;
- (8) Color vision screening;
- (9) Glaucoma screening, including tonometry.

Findings from the exam must be kept by the optometrist or ophthalmologist for a period of six years.

5. For purposes of this section, any optometrist or ophthalmologist conducting a comprehensive vision examination shall contain, in good working condition, the following minimum equipment:

- (1) Ophthalmoscope;
- (2) Retinoscope or its equivalent;
- (3) Tonometer;
- (4) Visual Field Testing Device;
- (5) Color Vision Testing Device;
- (6) Keratometer or its equivalent;
- (7) Biomicroscope;
- (8) Lenses for subjective testing;
- (9) Blood pressure measuring device.

6. In the event that a parent or legal guardian of a child subject to this section shall submit to the appropriate school administrator a written request that the child be excused from taking a vision examination as provided in this section on the grounds of religious beliefs, that child shall be so excused.

192.935. 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary notwithstanding.

2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.

3. The program shall provide for:

(1) Public education about blindness and other eye conditions;

(2) Screenings and eye examinations to identify conditions that may cause blindness; [and]

(3) Treatment procedures necessary to prevent blindness;

(4) Any additional costs for vision examinations under section 167.195, RSMo, that are not covered by existing public health insurance. Subject to appropriations, moneys from the fund shall be used to pay for those additional costs, provided that the costs do not exceed ninety-nine thousand dollars per year.

4. The department may contract for program development with any department-approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.

5. The department may adopt rules to prescribe eligibility requirements for the program.

6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.”; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 4** is out of order, as it goes beyond the scope, purpose and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 21, Section 452.400, Line 19, by inserting after all of said line the following:

“452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. Disqualification of a guardian ad litem shall be ordered in any legal proceeding pursuant to [chapter 210, RSMo, or] this chapter, upon the filing of a written application by any party within ten days of appointment[, or within ten days of August 28, 1998, if the appointment occurs prior to August 28, 1998]. Each party shall be entitled to one disqualification of a guardian ad litem **appointed under this subsection** in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown. The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

5. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.”;
and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 5** is out of order as it goes beyond the scope, purpose and title of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 5 was again taken up.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 1, Section A, Line 4, by inserting after all of said line the following:

“162.432. 1. Notwithstanding any provision of law to the contrary, qualified voters who reside in an urban school district and also in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may petition to annex the territory of such urban school district that is located in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants to the adjoining seven-director school district located in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred. The annexation and change in school boundaries shall conform to the city boundary lines in which the voters reside and the boundary lines of the adjoining seven-director school district.

2. Ten percent of the number of voters who voted in the last annual school board election and who reside in an urban school district and also in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may petition the adjoining seven-director school district for annexation to that district and a change of school boundaries. The petition for annexation and boundary change shall define adequately the physical territory to be annexed.

3. Upon the submission of the petition to the school board secretary of the adjoining seven-director school district, the seven-director school district board shall have ninety days to act upon the petition. A majority vote by the seven-director school board shall be required to accept the petition for annexation and a change of school boundaries. Upon acceptance, an election shall be held in the territory petitioned for annexation and boundary change. The election shall be held within one year after the vote of acceptance by the seven-director school board. The secretary of the seven-director school district board shall notify the secretary of the urban school district board of the acceptance of the petition and the date of the election. The question may be submitted on a municipal election date, August primary date, or November general election date. The question shall be submitted in substantially the following form:

Shall the (insert territory to be annexed) portion of the (insert name of school district) school district be annexed to the (insert name of school district) school district effective the day of,

☐ YES ☐ NO

The annexing seven-director school district shall incur the cost of the election. The voters in the territory subject to annexation and school boundary change shall decide the question by a majority vote of those who vote upon the question. If assent to the annexation and boundary change is given by the annexing territory, the annexation and boundary change shall go into effect the subsequent fifteenth day of June, at which time the school tax property levy in the annexed territory shall be set at the same rate as the school tax levy in the annexing seven-director school district.

4. The apportionment of property shall be governed by sections 162.031 and 162.041. The annexing seven-director school district, upon the annexation of the territory from the urban school district, shall possess the discretion to apportion the school property and facilities in the annexed territory that are necessary to serve the educational needs of the residents in the annexed territory.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Nodler raised the point of order that SA 6 is out of order as it goes beyond the scope, purpose and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Koster offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 21, Section 452.400, Line 19, by inserting after all of said line the following:

488.445. 1. The governing body of any county, or of any city not within a county, by order or ordinance [to be effective prior to January 1, 2001,] may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court. The surcharge shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020. Such amounts shall be payable to the treasuries of the counties from which such surcharges were paid.

3. At the end of each month, the recorder of deeds shall file a verified report with the county commission of the fees collected pursuant to the provisions of subsection 2 of this section. The report may be consolidated with the monthly report of other fees collected by such officers. Upon the filing of the reports the recorder of deeds shall forthwith pay over to the county treasurer all fees collected pursuant to subsection 2 of this section. The county treasurer shall deposit all such fees upon receipt in a special fund to be expended only to provide financial assistance to shelters for victims of domestic violence as provided in sections 455.200 to 455.230, RSMo.

488.607. [In addition to all other court costs for county or municipal ordinance violations,] **The governing body of any county or any city having a shelter for victims of domestic violence established pursuant to sections 455.200 to 455.230, RSMo, or any municipality within a county which has such shelter, or any county or municipality whose residents are victims of domestic violence and are admitted to such shelters in another county, may, by order or ordinance provide for an additional surcharge in the amount of two dollars per case for each criminal case [and each county or municipal ordinance violation case filed before a municipal division judge or associate circuit judge], including violations of any county or municipal ordinance.** No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. Such surcharges collected by municipal clerks in municipalities electing or required to have violations of municipal ordinances tried before a municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant to section 479.060, RSMo, shall be disbursed to the city at least monthly, and such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be payable to the city or county wherein such fees originated. The county or city shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in sections 455.200 to 455.230, RSMo.; and

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 7** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

President Kinder assumed the Chair.

Senator Wilson offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“196.1010. As used in sections 196.1010 to 196.1016, the following terms mean:

- (1) “Commission”, commission for youth smoking prevention;**
- (2) “Master settlement agreement”, as defined in section 196.1000;**
- (3) “Participating manufacturer”, as defined in section II of the master settlement agreement;**
- (4) “Subsequent participating manufacturer”, as defined in section II of the master settlement agreement.**

196.1013. There is hereby established in the state treasury the “Youth Smoking Prevention Trust Fund” to be held separate from all other public moneys and funds of the state. The attorney general shall deposit into the fund all moneys received from subsequent participating manufacturers under the master settlement agreement beginning in fiscal year 2006 and in perpetuity thereafter. Moneys in the fund shall not be subject to appropriation for purposes other than those of evidence-based youth smoking prevention programs designated

by the commission for youth smoking prevention established in section 196.1016. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the fund and interest earned thereon shall not revert to the credit of general revenue at the end of the biennium. All yield, interest, income, increment, or gain received from time deposit of moneys in the state treasury to the youth smoking prevention trust fund shall be credited by the state treasurer to the fund.

196.1016. 1. There is hereby created the “Commission for Youth Smoking Prevention”, a type II entity which shall be established in the department of health and senior services and consist of the following, or their designee:

- (1) The president of the Missouri chapter of the American Cancer Society;
- (2) The president of the Missouri chapter of the American Heart Association;
- (3) The president of the Missouri chapter of the American Lung Association;
- (4) The president of the Missouri State Medical Association;
- (5) The president of the Missouri Nurses' Association;
- (6) The executive director of the Missouri Partnership on Smoking or Health;
- (7) The president of the Kansas City Medical Society;
- (8) The president of the Mound City Medical Forum;
- (9) The president of the Greene County Medical Society;
- (10) The director of the Missouri department of health and senior services;
- (11) The director of the Missouri department of mental health;
- (12) The attorney general of Missouri;
- (13) The president pro tempore of the Missouri senate;
- (14) The speaker of the Missouri house of representatives.

2. Members of the commission shall serve two-year terms, subject to redesignation. Senate confirmation shall not be required. Service shall be voluntary, with reasonable reimbursement for expenses incurred by members who are not employees of the state of Missouri.

3. All youth smoking prevention programs funded by the commission shall be modeled upon evidence-based programs proven to reduce youth smoking in one or more jurisdictions within the United States. No program shall be funded by the commission that is sponsored by or has any connection with any tobacco company or any entity whatsoever with any financial ties to any tobacco company. No member of the commission may be an employee of or have any financial interest in any tobacco company or any company or private organization with any financial tie to any tobacco company.

4. The commission shall submit a report by December 15, 2005, to the governor, the speaker of the house of representatives, and the president pro tem of the senate that includes information regarding the commission's recommendations for program guidelines and administration. No later than December 15 of each following year, the commission shall submit a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate, which shall include information regarding the number of program applicants and evaluation of programs currently being funded based on accountability standards set by the commission.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Bray offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 21, Section 452.400, Line 19, by inserting after all of said line the following:

“571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:

(1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;

(2) Such person knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and

(3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death of any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.

2. The provisions of subsection 1 of this section shall not apply if, at the time the minor obtains the firearm:

(1) Such person was keeping:

(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;

(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;

(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores at least one part which is essential to the operation of the firearm in a securely locked box or other locked container; or

(d) The ammunition for an unloaded firearm stored separate from that unloaded firearm in a securely locked box or other locked container;

(2) The person is a peace officer, an active member of the armed forces, or its reserves, or a member of the national guard and the minor obtains the firearm during, or incidental to, that person performing his or her official duties;

(3) The minor obtains and discharges the firearm in a lawful act of self-defense or defense of one or more persons;

(4) The minor obtains the firearm as the result of an unlawful entry onto the premises where the firearm is located;

(5) The minor was supervised by a person twenty-one years of age or older and was engaging in hunting, sporting, or another lawful purpose; or

(6) The minor was engaged in an agricultural enterprise.

3. As used in this section the term “minor” means any person eighteen years of age or younger.

4. Firearms dealers shall be required to provide purchasers with a written warning about the provisions of this section and to place a conspicuous warning sign at the place where their firearms are sold. The warning shall read as follows: “It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where minors are likely to be and can obtain access to the loaded firearm or unloaded firearm and ammunition.”

5. Criminally negligent storage of a firearm is a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Nodler raised the point of order that **SA 9** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Coleman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

“210.110. As used in sections 210.109 to 210.165, and sections 210.180 to 210.183, the following terms mean:

(1) “Abuse”, any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for the child's care, custody, and control, except that discipline including spanking,

administered in a reasonable manner, shall not be construed to be abuse;

(2) **“Assessment and treatment services for children under ten years old”**, an approach to be developed by the children's division which will recognize and treat the specific needs of at-risk and abused or neglected children under the age of ten. The developmental and medical assessment shall be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care. Screenings shall be offered at a centralized location and include, at a minimum, the following:

(a) Complete physical to be performed by a pediatrician familiar with the effects of abuse and neglect on young children;

(b) Developmental, behavioral, and emotional screening in addition to early periodic screening, diagnosis, and treatment services, including a core set of standardized and recognized instruments as well as interviews with the child and appropriate caregivers. The screening battery shall be performed by a licensed mental health professional familiar with the effects of abuse and neglect on young children, who will then serve as the liaison between all service providers in ensuring that needed services are provided. Such treatment services may include in-home services, out of home placement, intensive twenty-four hour treatment services, family counseling, parenting training and other best practices.

Children whose screenings indicate an area of concern shall complete a comprehensive, in-depth health, psycho-diagnostic, or developmental assessment within sixty days of entry into custody.

(3) **“Central registry”**, a registry of persons where the division has found probable cause to believe prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, or a court has substantiated through court adjudication that the individual has committed child abuse or neglect or the person has pled guilty or has been found guilty of a crime pursuant to section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime pursuant to chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes. Any persons placed on the registry prior to August 28, 2004, shall remain on the registry for the duration of time required by section 210.152;

[(3)] (4) **“Child”**, any person, regardless of physical or mental condition, under eighteen years of age;

[(4)] (5) **“Children's services providers and agencies”**, any public, quasi- public, or private entity with the appropriate and relevant training and expertise in delivering services to children and their families as determined by the children's division, and capable of providing direct services and other family services for children in the custody of the children's division or any such entities or agencies that are receiving state moneys for such services;

[(5)] (6) **“Director”**, the director of the Missouri children's division within the department of social services;

[(6)] (7) **“Division”**, the Missouri children's division within the department of social services;

[(7)] (8) **“Family assessment and services”**, an approach to be developed by the children's division which will provide for a prompt assessment of a child who has been reported to the division as a victim of abuse or neglect by a person responsible for that child's care, custody or control and of that child's family, including risk of abuse and neglect and, if necessary, the provision of community-based services to reduce the risk and support the family;

[(8)] (9) **“Family support team meeting”** or **“team meeting”**, a meeting convened by the division or children's services provider in behalf of the family and/or child for the purpose of determining service and treatment needs, determining the need for placement and developing a plan for reunification or other permanency options, determining the appropriate placement of the child, evaluating case progress, and establishing and revising the case plan;

[(9)] (10) **“Investigation”**, the collection of physical and verbal evidence to determine if a child has been abused or neglected;

[(10)] (11) **“Jail or detention center personnel”**, employees and volunteers working in any premises or institution where incarceration, evaluation, care, treatment or rehabilitation is provided to persons who are being held under custody of the law;

[(11)] (12) **“Neglect”**, failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition or medical, surgical, or any other care necessary

for the child's well-being;

[(12)] (13) "Preponderance of the evidence", that degree of evidence that is of greater weight or more convincing than the evidence which is offered in opposition to it or evidence which as a whole shows the fact to be proved to be more probable than not;

[(13)] (14) "Probable cause", available facts when viewed in the light of surrounding circumstances which would cause a reasonable person to believe a child was abused or neglected;

[(14)] (15) "Report", the communication of an allegation of child abuse or neglect to the division pursuant to section 210.115;

[(15)] (16) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising supervision over a child for any part of a twenty-four-hour day. Those responsible for the care, custody and control shall also include any adult who, based on relationship to the parents of the child, members of the child's household or the family, has access to the child.

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

- (1) The safety and welfare of children is paramount;
- (2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;
- (3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and
- (4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

2. On or before July 1, 2005, and subject to appropriations, the children's division and any other state agency deemed necessary by the division shall, in consultation with the community and providers of services, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by children's services providers and agencies currently contracting with the state to provide such services and by public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

- (1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and
- (2) The ability to provide a range of child welfare services, which may include case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall not result in the loss of federal funding. Such children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection

shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

(1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;

(2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;

(3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:

(a) The interaction and interrelationship of a child with the child's foster parents, biological or adoptive parents, siblings, and any other person who may significantly affect the child's best interests;

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved; [and]

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child; **and**

(e) For any child under ten years old, treatment services shall be available as defined in section 210.110. Assessments, as defined in section 210.110, shall occur to determine which treatment services best meet the child's psychological and social needs. When the assessment indicates that a child's needs can be best resolved by intensive twenty-four hour treatment services, the division will locate, contract, and place the child with the appropriate organizations. This placement will be viewed as the least restrictive for the child based on the assessment;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than fourteen days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

(1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

(2) Services authorized and necessary to facilitate the outcome target;

(3) Time frames in which services will be delivered; and

(4) Necessary evaluations and reporting.

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases,

an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

(1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and

(2) Any recommendations regarding the continuation or possible statewide implementation of such project; and

(3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers and agencies request to have included in the report.

7. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.

8. By February 1, 2005, the children's division shall promulgate and have in effect rules to implement the provisions of this section, and pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Mayer offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for House Committee Substitute No. 2 for House Bill 568, Pages 1-2, Section 210.114 by striking all of said section and inserting in lieu thereof the following:

“210.114. 1. Except as otherwise provided in section 207.085, RSMo, a private contractor, as defined in subdivision (4) of section 210.110, with the children’s division that receives state moneys from the division or the department for providing services to children and their families shall have qualified immunity from civil liability for providing such services when the child is not in the physical care of such private contractor to the same extent that the children’s division has qualified immunity from civil liability when the division or department directly provides such services.

2. This section shall not apply if a private contractor described above knowingly violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to child abuse and neglect or any local ordinance relating to the safety condition of the property.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Mayer moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SS for HCS No. 2 for HB 568**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS for HCS No. 2 for HB 568**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 500**, as amended, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **HCS** for **HB 461** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 461, Page 7, Section 137.079, Line 24, by inserting immediately after said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or

used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes**"; and

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

(b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and

(c) There are no provisions for reversion of the property within the limitation period for reversioners."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 461, Page 7, Section 137.079, Line 22, by inserting after "137.078," the following: "**, property of rural electric cooperatives under chapter 394, RSMo,**"; and

Further amend said bill, Page 7, Section 137.122, Line 8, by inserting after "137.078," the following: "**, property of rural electric cooperatives under chapter 394, RSMo,**"; and

Further amend said bill and section, Page 9, Line 78, by inserting after all of said line the following:

"6. The provisions of this section are not intended to modify the definition of "tangible personal property" as defined in section 137.010."

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 461, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. **A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed.** The

residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building,

property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year.; and further amend said bill, page 7, section 137.079, line 24, by inserting immediately after said line the following:

137.106. 1. This section may be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", as such term is defined in section 135.010, RSMo;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to subsection 4 of this section; in the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to subsection 4 of this section did not exceed the maximum upper limit; **in the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions 7 and 8 of this subsection;** no individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year, [not including the year in which the application was completed,] shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person [qualifies] **filed a valid claim** for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, **except where an eligible owner of the property has made such improvements to accommodate a disabled person;**

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [8] **10** of this section. **For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005 and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application;**

(7) "Income", federal adjusted gross income, **and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;**

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall

receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and

(4) That any improvements made to the homestead, **not made to accommodate a disabled person**, did not total more than five percent of the prior year appraised value.

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon [receiving] **request for** an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks **for inclusion on the form;**

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April 1 and September 30 of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;**
- (2) That the applicant's prior year income was less than the maximum upper limit;**
- (3) To the address of the homestead property;**

(4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and

(5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by September thirtieth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[7.] **8. If application is made in 2005,** upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior

citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

[8.] 9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income is verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[9.] 11. [If, in any given year,] For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[10.] 12. After setting the homestead exemption limit **for applications made in 2005**, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation **and assessment fund allocation** to the county collector's funds of each county **or the treasurer ex officio collector's fund in counties with a township form of government** where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector **or the treasurer ex officio collector in counties with a township form of government**, shall be deposited in the county collector's fund of a county **or the treasurer ex officio collector's fund** or may be sent by mail to the

collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

[11.] 13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex-officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[12.] 16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to [the mailing of the tax bill] **January first of the year in which the credit would otherwise be applied**, the credit shall be void and any corresponding moneys, pursuant to subsection 10 of this section, shall lapse to the state to be credited to the general revenue fund. **In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any**

corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

[13.] **17.** This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

[14.] **18.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 461, Page 1, In the Title, Line 3, by striking the word “business”; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term “tax revenue”, as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation

of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in the prior year. Such revision by the political

subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term “improvements” shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term “property” means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate

ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. [Within thirty days after the effective date of this act,] The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this

section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Ridgeway offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bill No. 461, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“135.630. 1. As used in this section, the following terms shall mean:

(1) “Contribution”, a donation of cash, stock, bonds or other marketable securities, or real property;

(2) “Director”, the director of the department of social services;

(3) “Pregnancy resource center”, a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other

similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all

the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall apply to all tax years ending on or after December 31, 2008.

135.631. Taxpayers shall only be permitted to redeem tax credits they can claim under section 135.630 if the director of revenue has reallocated other state tax credits to section 135.630. The director shall reallocate such other state tax credits if by law they were limited to a maximum amount during a specified time period and such amount has not been fully redeemed or is not reasonably expected to be fully redeemed.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that SA 5 is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Green offered SA 6:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 461, Page 1, Section A, Line 2, by inserting immediately after said line the following:

“53.260. **Subject to appropriation**, expenses incurred by the assessor or assessor-elect in attending courses of study and additional courses referred to in sections 53.250 to 53.265 shall be paid by the state. Fees for registration, books and materials may be directly billed to the state as provided by the commissioner of administration. The cost of transportation, lodging and meals shall be reimbursed to the assessor or assessor-elect in the manner provided by the commissioner of administration.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Koster assumed the Chair.

On motion of Senator Griesheimer, HCS for HB 461, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Engler—1

Absent with leave—Senators—
None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 353**, as amended, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 488**, entitled:

With House Committee Amendment 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend House Committee Amendment No. 1 for Senate Bill No. 488, Section 301.020, Pages 2 and 3, Lines 47 thru 49, by deleting all of said lines and inserting in lieu thereof the following:

“retaining ownership of the vehicle, as prior salvage and the vehicle shall only be required to meet the examination”, and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS No. 2** for **SCS** for **SB 225**, entitled:

An Act to repeal sections 260.200, 260.218, 260.262, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.325, 260.330, 260.335, 260.342, 260.345, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, 260.569, 260.900, 260.905, 260.925, 260.935, 260.940, and 260.960, RSMo, and to enact in lieu thereof thirty new sections relating to hazardous waste, with penalty provisions and an emergency clause for certain sections.

With House Amendment 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 225, Section B, Page 51, Line 2, by inserting after the word “sections” the following:

“**260.273, 260.279**,”; and

Further amend said Section and Page, Line 5, by inserting after the word “sections” the following:

“**260.273, 260.279**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 272**, entitled:

An Act to repeal sections 137.073, 313.800, and 313.820, RSMo, and to enact in lieu thereof three new sections relating to gaming boat admission fee revenue.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 420 and 344**, entitled:

An Act to repeal sections 92.755, 105.711, 210.117, 210.950, 211.038, 238.216, 452.340, 455.516, 461.005, 472.060, 475.010, 475.045, 478.255, 478.550, 478.570, 478.600, 483.260, 483.537, 486.200, 488.031, 488.445, 488.607, 488.5030, 494.430, 494.432, 516.130, 534.090, 536.100, 545.550, 557.036, 590.080, 590.120, 590.180, 600.042, 600.086, and 650.055, RSMo, and to enact in lieu thereof forty-seven new sections relating to judicial procedures and personnel, with a penalty provision.

With House Amendments 1, 2, 3, 4, 5, 6, 8, 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Section 483.537, Page 30, Line 6 by inserting after the word “**be**” on said line the word “**used**”; and

Further amend said bill, Section 488.014, Page 31, Line 5 by deleting the word “**courts**” on said line and inserting in lieu thereof the word “**county**”; and

Further amend said bill, Section 494.430, Page 33, Line 11 by deleting the word “**healthcare**” on said line and inserting in lieu thereof the words “**health care**”; and

Further amend said bill, Section 590.180, Page 42, Line 28 by inserting after the word “**employers**” on said line the following:

“**of the dates of service**”; and

Further amend said bill, Section 1, Page 49, Line 24 by inserting after the word “board” the following:”; **(14) Juvenile officers**”

Further amend said bill, Section 2, Page 50, Lines 2 and 3 by deleting all of said line and inserting in lieu thereof the following: “**a fee of less than two hundred dollars for completing residential loan documentation for loans made by that institution shall be deemed to be engaging in the unauthorized practice**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Section 600.042, Pages 42-44, Lines 1-81 by striking all of said lines; and

Further amend said bill, Section 600.086, Pages 44-45, Lines 1-48 by striking all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

House Amendment No. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 420, Pages 24 through 26, Section 475.010, by deleting all of said section; and

Further amend said bill, Pages 26 and 27, Section 475.045 by deleting all of said section; and

Further amend said bill, Pages 27 and 28, Section 475.046 by deleting all of said section; and

Further amend said bill, Pages 36 and 37, Section 536.142 by deleting all of said section; and

Further amend said bill, Pages 45 and 49, Section 650.055 by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, Pages 3 - 8, Section 105.711, by striking said section and inserting in lieu thereof the following:

“**105.705. 1. As used in this section, the term “state employee” or “employee” shall mean any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials,**

appointees, members of the state boards or commissions and members of the Missouri national guard.

2. No state employee shall be personally liable in any civil action brought against them in the courts of this state, in either their individual or official capacities, for conduct arising out of and in connection with their official duties on behalf of the state, whether or not such acts are ministerial or discretionary, unless the employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner. The exclusive remedy for any cause of action against a state employee for acts committed within the scope of their official duties shall be an action against the state of Missouri.

3. The attorney general shall be promptly notified of any claim or suit filed against an employee for actions arising from their official duties. To be certified that the employee was acting within the scope of his or her official duties, the employee must cooperate fully with the attorney general in the defense of the claim.

4. (1) Upon certification by the attorney general that the defendant employee was acting within the scope of his or her official duties at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a circuit court of this state shall be deemed an action against the state of Missouri under the provisions of this section and the state of Missouri or the respective agency shall be substituted as the party defendant.

(2) In the event that the attorney general has refused to certify that the defendant was acting within the scope of his or her official duties at the time of the incident out of which the claim arose, the employee may at any time before trial petition the respective circuit court of this state to find and certify that the employee was acting within the scope of his or her official duties. Upon such certification by the court, such action or proceeding shall be deemed to be an action or proceeding brought against the state of Missouri under the provisions of this section and the state of Missouri or the respective agency shall be substituted as the party defendant.

(3) Upon certification, any action or proceeding under this section shall proceed in the same manner as any action against the state of Missouri filed under sections 537.600 to 537.615, RSMo, and shall be subject to the limitations and exceptions applicable to those actions.

5. Nothing in this section shall be construed as waiving or abrogating the sovereign immunity of the state beyond the expressed waivers of sovereign immunity provided under sections 537.600 to 537.615, RSMo.

6. No payment for any claim or judgment against a state employee shall be made under the provisions of sections 105.711 to 105.726 or from any other state funds if the employee is determined by the attorney general to have acted outside the course and scope of the employee's official duties.

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087, RSMo, or section 537.600, RSMo;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri national guard upon conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287, RSMo; or

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state, under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities [or county jails] on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, and his

professional corporation organized pursuant to chapter 356, RSMo, who is employed by or under contract with a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered pursuant to chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, dental, or nursing treatment within the scope of his license or registration at a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such treatment is restricted to primary care and preventive health services, provided that such treatment shall not include the performance of an abortion, and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. Medicaid or medicare payments for primary care and preventive health services provided by a physician, dentist, physician assistant, dental hygienist, or nurse who volunteers at a free health clinic is not compensation for the purpose of this section if the total payment is assigned to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage for the services provided without charge. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician, dentist, physician assistant, dental hygienist, or nurse shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph; or

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary or secondary school, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(f) Staff employed by the juvenile division of any judicial circuit; or

(g) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.

(h) Any claims against a health care professional who is deployed under the provision of section 44.045, RSMo, in which the claim is based on acts or omissions occurring during a period of deployment.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), and (e) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 6 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any physician, dentist, physician assistant, dental hygienist, or nurse for coverage concerning his or her private practice and assets shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. However, a physician, nurse, dentist, physician assistant, or dental hygienist may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), and (e) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 6 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs.

6. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of

payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

7. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, RSMo, nor to abolish or waive any defense at law which might otherwise be available to any agency, officer, or employee of the state of Missouri. **Sections 105.711 to 105.726 do not waive the sovereign immunity of the state of Missouri.**

2. The creation of the state legal expense fund and the payment therefrom of such amounts as may be necessary for the benefit of any person covered thereby are deemed necessary and proper public purposes for which funds of this state may be expended.

3. **Moneys in the state legal expense fund shall not be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against a board of police commissioners established under chapter 84, RSMo, including the commissioners, any police officer, notwithstanding sections 84.330, 84.710, or other provision of law, other employees, agents, representatives, or any other individual or entity acting or purporting to act on its or their behalf. Such was the intent of the general assembly in the original enactment of sections 105.711 to 105.726, and it is made express by this section in light of the decision in Wayman Smith, III, et al. v. state of Missouri, Mo. Sup. Ct. January 11, 2005. Except that the commissioner of administration shall reimburse from the state legal expense fund, any board of police commissioners established under chapter 84, RSMo, for liability claims otherwise eligible for payment under section 105.711 paid by said boards on an equal share basis per claim up to a maximum of one million dollars per fiscal year.**

4. **If the representation of the attorney general is requested by a board of police commissioners, the attorney general shall represent, investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police commissioners, any police officer, other employees, agents, representatives, or any other individual or entity acting or purporting to act on their behalf. The attorney general may establish procedures by rules and regulations promulgated under chapter 536, RSMo, under which claims must be referred for the attorney general's representation. The attorney general and the officials of the city which the police board represents shall meet and negotiate reasonable rates, fees, expenses, or charges that will fairly compensate the attorney general and the office of administration for the cost of the representation of the claims under this section.**

5. **Claims tendered to the attorney general promptly after the claim was asserted as required by section 105.716 and prior to August 28, 2005, may be investigated, defended, negotiated, or compromised by the attorney general and full payments may be made from the state legal expense fund on behalf of the entities and individuals described in this section as a result of the holding in Wayman Smith III et al. v. State of Missouri, Mo. Sup. Ct. January 11, 2005.”; and**

Further amend the title and enacting clause accordingly.

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Section 217.860, Page 13, Line 3 by deleting the phrase **“for nonviolent offenders”** on said line; and

Further amend said bill, Section 217.860, Page 13, Line 12 by deleting the word **“nonviolent”** on said line; and

Further amend said bill, Section 217.860, Page 13, Lines 14-16 by deleting all of said lines and renumbering remaining subdivisions accordingly; and

Further amend said bill, Section 217.860, Page 13, Line 17 by deleting the word **“nonviolent”** on said line; and

Further amend said bill, Section 217.860, Page 13, Lines 18-19 by deleting all of said lines and inserting in lieu thereof the following:

“(5) Information and research to assist the task force in determining which classes of offenders should be targeted in alternative sentencing programs”; and

Further amend said bill, Section 217.860, Page 13, Lines 24-25 by deleting all of said lines and inserting in lieu thereof the following:

“(3) Two probation and parole officers or supervisors who shall be appointed by the director of the division of probation and”; and

Further amend said bill, Section 217.860, Page 14, Lines 30-31 by deleting all of said lines and inserting in lieu thereof the following:

“(5) Two circuit or associate circuit judges who shall be appointed by the governor;”; and

Further amend said bill, Section 217.860, Page 14, Line 32 by deleting the word **“Three”** on said line and inserting in lieu thereof the word **“Two”**; and

Further amend said bill, Section 217.860, Page 14, Line 34 by inserting after the word **“governor”** on said line the following:

“(8) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house and one of whom shall be appointed by the house minority leader;

(9) Two members of the senate, one of whom shall be appointed by the president pro tem of the senate and one of whom shall be appointed by the senate minority leader”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Page 8, Section 105.711, Line 184, by inserting after all of said line the following:

“210.116. 1. Except as otherwise provided in section 207.085, RSMo, a private contractor, as defined in subdivision (4) of section 210.110, with the children's division that receives state moneys from the division or the department for providing services to children and their families shall have qualified immunity from civil liability for providing such services when the child is not in the physical care of such private contractor to the same extent that the children's division has qualified immunity from civil liability when the division or department directly provides such services.

2. This section shall not apply if a private contractor described above knowingly violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to child abuse and neglect or any local ordinance relating to the safety condition of the property.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Section 452.340, Page 18, Line 62 by inserting after the word **“hours”** on said line the following:

“; however such five-month period of abatement shall only be granted one time for each child”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 420, Section 557.036, Page 39, Line 52, by inserting after all of said line the following:

“570.123. Civil action for damages for passing bad checks, only original holder may bring action--limitations--notice requirements--payroll checks, action to be against employer.--

In addition to all other penalties provided by law, any person who makes, utters, draws, or delivers any check, draft, or order for the payment of money upon any bank, savings and loan association, credit union, or other depository, financial institution, person, firm, or corporation which is not honored because of lack of funds or credit to pay or because of not having an account with the drawee and who fails to pay the amount for which such check, draft, or order was made in cash to the holder within thirty days after notice and a written demand for payment, deposited as certified or registered mail in the United States mail, or by regular mail, supported by an affidavit of service by mailing, notice deemed conclusive three days following the date the affidavit is executed, and addressed to the maker and to the endorser, if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or order or to the last known address, shall, in addition to the face amount owing upon such check, draft, or order, be liable to the holder for three times the face amount owed or one hundred dollars, whichever is greater, plus **reasonable** attorney fees incurred in bringing an action pursuant to this section. Only the original holder, whether the holder is a person, bank, savings and loan association, credit union, or other depository, financial institution, firm or corporation, may bring an action pursuant to this section. No original holder shall bring an action pursuant to this section if the original holder has been paid the face amount of the check and costs recovered by the prosecuting attorney or circuit attorney pursuant to subsection 6 of section 570.120. If the issuer of the check has paid the face amount of the check and costs pursuant to subsection 6 of section 570.120, such payment shall be an affirmative defense to any action brought pursuant to this section. The original holder shall elect to bring an action pursuant to this section or section 570.120, but may not bring an action pursuant to both sections. In no event shall the damages allowed pursuant to this section exceed five hundred dollars, exclusive of **reasonable** attorney fees. In situations involving payroll checks, the damages allowed pursuant to this section shall only be assessed against the employer who issued the payroll check and not against the employee to whom the payroll check was issued. The provisions of sections 408.140 and 408.233, RSMo, to the contrary notwithstanding, a lender may bring an action pursuant to this section. The provisions of this section will not apply in cases where there exists a bona fide dispute over the quality of goods sold or services rendered.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Section 590.180, Page 42, Line 29 by inserting after all of said line the following:

“595.211. 1. Beginning January 1, 2006, the court in any criminal case involving any sexual offense under chapter 566, 568, or 573, RSMo, shall order that the personally identifying information of any victim of such offense, regardless of age or sex, shall be redacted from any court records of such case prior to such records being made available to any person other than those listed in subsection 3 of this section. The court shall order that such information be redacted unless:

- (1) The victim consents to the release of the personally identifying information or any portion thereof;**
- (2) The court on its own motion orders the release of the information or any portion thereof; or**
- (3) The court for good cause shown by motion of any party at any time orders the release of the information or any portion thereof.**

2. In any order redacting any personally identifying information pursuant to subsection 1 of this section, the court shall require that the victim's name be replaced with the name Jane Doe for female victims or John Doe for male victims, prior to the release of any such records to any person not listed in subsection 3 of this section.

3. The only persons who shall have access to the victims' personally identifying information pursuant to the provisions of this section are the victim, the court, the department of corrections, law enforcement officers, prosecuting or circuit attorneys and their staff members. The defendant, and the defendant's attorneys shall have access only to such personally identifying information as the court deems necessary to ensure the rights of the defendant.

4. For the purposes of this section, “personally identifying information” shall include but not be limited to the victim’s name, address, date of birth, social security number, and telephone number.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 420 and 344, Section 210.117, Pages 9-10, Lines 30-42 by deleting all of said lines and inserting in lieu thereof the following:

“3. In any case where the children’s division determines, based on a substantiated report of child abuse, that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child, unless and until a court of competent jurisdiction determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are children living in the same home.”; and

Further amend said bill, Section 211.038, Page 13, Lines 31-36 by deleting all of said lines and inserting in lieu thereof the following:

“211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age;

(6) The department of social services, in conjunction with the department of mental health, shall apply to the United States Department of Health and Human Services for such federal waivers as required to provide services for such children, including the acquisition of community-based services waivers.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the

court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.

Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his or her own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require; **provided that, no child who has been adjudicated a delinquent by a juvenile court for committing or attempting to commit a sex-related offense which if committed by an adult would be considered a felony offense pursuant to chapter 566, RSMo, including but not limited to rape, forcible sodomy, child molestation, and sexual abuse, and in which the victim was a child, shall be placed in any residence within one thousand feet of the residence of the victim of that offense until the victim reaches the age of eighteen, and provided further that the provisions of this subdivision regarding placement within one thousand feet of the victim child shall not apply when the abusing child and the victim are children living in the same home;**

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate program or placement pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 280**.

With House Amendment 1.

Amend Senate Bill No. 280, Page 1, Section A, Line 2, by inserting after all of said line the following:

“328.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) **“Barber”**, any person who is engaged in the capacity so as to shave the beard or cut and dress the hair for the general public, shall be construed as practicing the occupation of “barber”, and the said barber or barbers shall be required to fulfill all requirements within the meaning of this chapter;

(2) **“Barber establishment”**, that part of any building wherein or whereupon any occupation of barbering is being practiced including any space or barber chair rented within a licensed establishment by a person licensed under this chapter, for the purpose of rendering barbering services;

(3) **“Board”**, the board of cosmetology and barber examiners;

(4) **“Cross-over license”**, a license that is issued to any person who has met the licensure and examination requirements for both barbering and cosmetology;

(5) **“School of barbering”**, an establishment operated for the purpose of teaching barbering as defined in subdivision (1) of this section.

328.015. 1. Upon appointment by the governor and confirmation by the senate of the board, the board of barber examiners shall be abolished and its duties and responsibilities shall merge into the board as established under section 329.015, RSMo. The board shall be a continuance of and shall carry out the duties of the board of barber examiners.

2. Upon appointment by the governor and confirmation by the senate of the board, all of the powers, duties, and functions of the board of barber examiners shall be transferred to, conferred, and imposed upon the board. The board shall be the successor in every way to the powers, duties, and functions of the board of barber examiners.

3. Every act performed in the exercise of such powers, duties, and authorities by or under the authority of the board shall be deemed to have the same force and effect as if performed by the board of barber examiners under this chapter, including any amendments thereto effective with the passage of this section or prior to the effective date of this section.

4. All rules of the board of barber examiners and any amendments to such rules shall continue to be effective and shall be deemed to be duly adopted rules of the board until revised, amended, or repealed by the board. The board shall review such rules and shall adopt new rules as required for the administration of this chapter for barbers and cosmetologists.

5. Any person or entity licensed or provisionally licensed by the board of barber examiners prior to the appointment by the governor and confirmation by the senate of the board, shall be considered licensed in the same manner by the board.

328.020. It shall be unlawful for any person to [follow] practice the occupation of a barber in this state, unless he or she shall have first obtained a [certificate of registration] license, as provided in this chapter.

328.070. [Such] The board shall hold public examinations at least four times in each year, at such times and places as it may deem advisable, notice of such [meetings] examinations to be [given by publication thereof] published at least ten days prior to [such meetings, in at least two newspapers published in this state, in the locality of each proposed meeting] the date of the examination. The board shall publish its notice of the examination date, place, and time in any manner that it deems appropriate. In lieu of holding its own examinations for barber applicants, the board may contract with an outside entity qualified to examine applicants for licensure.

328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall apply to the board, [register] shall be registered as an apprentice with the board, and shall pay the appropriate fees prior to beginning their apprenticeship. Barber apprentices shall be of good moral character and shall be at least seventeen years of age.

2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first possess a license to practice the occupation of barbering, apply to the board, pay the appropriate fees, complete an eight-hour apprentice supervision instruction course certified by the board, and be issued a [certificate of registration] license as a barber apprentice supervisor prior to supervising barber apprentices.

3. The board may promulgate rules establishing the criteria for the supervision and training of barber apprentices.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

328.080. 1. Any person desiring to practice barbering in this state shall make application for a [certificate] **license** to the board and shall pay the required barber examination fee. [He or she shall be present at the next regular meeting of the board for the examination of applicants.]

2. The board shall examine [the] **each qualified** applicant and, upon successful completion of the examination and payment of the required [registration] **license** fee, shall issue [to him or her] **the applicant** a [certificate of registration] **license** authorizing him or her to practice the [trade] **occupation of barber** in this state [and enter his name in the register herein provided for]. **The board shall admit an applicant to the examination**, if it finds that he or she:

(1) Is seventeen years of age or older and of good moral character;

(2) Is free of contagious or infectious diseases;

(3) Has studied for at least one thousand hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of a licensed instructor; or, if the applicant is an apprentice, the applicant shall have served and completed no less than two thousand hours under the direct supervision of a licensed barber apprentice supervisor;

(4) Is possessed of requisite skill in the trade of barbering to properly perform the duties thereof, including the preparation of tools, shaving, haircutting and all the duties and services incident thereto; and

(5) Has sufficient knowledge of the common diseases of the face and skin to avoid the aggravation and spread thereof in the practice of barbering.

3. The board shall be the judge of whether the barber school, the barber apprenticeship, or college is properly appointed and conducted under proper instruction to give sufficient training in the trade.

4. The sufficiency of the qualifications of applicants shall be determined by the board.

5. For the purposes of meeting the minimum requirements for examination, the apprentice training shall be recognized by the board for a period not to exceed five years.

328.085. 1. The board shall grant without examination a license to practice barbering to any applicant who holds a [valid] **current** barber's license which is issued by another state or territory whose requirements for licensure were equivalent to the licensing requirements in effect in Missouri at the time the applicant was licensed or who has practiced the trade in another state for at least two **consecutive** years. **An applicant under this section shall pay the appropriate application and licensure fees at the time of making application. A licensee who is currently under disciplinary action with another board of barbering shall not be licensed by reciprocity under the provisions of this chapter.**

2. Any person who has lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his deficiencies and inform the applicant of the action which he must take to qualify to take the examination.

3. The applicant for licensure under this section shall pay a fee equivalent to the barber examination fee.

328.090. Any person desiring to teach barbering in this state in a barber school, college or barber shop must first possess a [certificate of registration] **license** to practice the occupation of barbering and make application to [appear before said] **the** board for an examination as a teacher or instructor in said occupation and shall pay the required instructor examination fee. The board shall examine such applicant and after finding that he **or she** is duly qualified to teach said occupation, [said] **the** board shall issue to him **or her** a [certificate of registration] **license** entitling him **or her** to teach barbering in this state, subject to all the provisions of this chapter. Holders of [certificates] **licenses** to teach barbering shall, on or before the expiration of their respective [certificates] **licenses**, make application for the

renewal of same, and shall in each case pay the instructor renewal fee. Should any person holding a [certificate] **license** to teach barbering fail to renew same within the time prescribed herein, such person shall be required to pay a reinstatement fee in addition to the regular [registration] **license** fee provided for herein. Any person failing to renew his [certificate of registration] **or her license** to teach barbering for a period not exceeding two years may reinstate said [certificate of registration] **license** upon the payment of the renewal fee in addition to the reinstatement fee, but any person failing to renew his [certificate of registration] **or her license** to teach barbering for a period exceeding two years and desiring to be [reregistered] **licensed** as a teacher of barbering in this state will be required to [appear before said board and] pass a satisfactory examination as to his **or her** qualifications to teach barbering and shall pay the instructor examination fee.

328.110. 1. Every person engaged in barbering shall on or before the renewal date apply for the renewal of his or her [certificate of registration] **license**.

2. Each application for renewal shall state the number of [applicant's] **the licensee's** expiring [certificate] **license**, and be accompanied by his or her renewal fee. Any person holding a [certificate of registration] **license** as a barber, except as herein provided, who fails to apply for renewal within two months of the expiration date of his or her [certificate of registration] **license**, shall pay a reinstatement fee in addition to the regular [registration] **license** renewal fee. Any person who fails to renew his or her [certificate of registration] **license**, except as herein provided, for a period not exceeding two years may reinstate his or her [certificate of registration] **license** upon payment of the [registration] **license** renewal fee for each delinquent year in addition to the reinstatement fee prescribed herein, but any barber, except as herein provided, who fails to renew his or her [certificate of registration] **license** for a period exceeding two years but less than five years and desires to be [reregistered] **licensed** as a barber in this state will be required to [appear before the board and] pass the practicum portion of the [state] **state's** licensing examination as to his or her qualifications to practice barbering and shall pay the barber examination fee.

3. A holder of a [certificate of registration] **barber license** who has been honorably discharged from the United States armed forces, and has not renewed his or her [certificate of registration] **license** as herein provided, shall, upon his or her return to barbering within one year from date of honorable discharge, pay one dollar for renewal of same.

328.115. 1. The owner of every shop or establishment in which the occupation of barbering is practiced shall obtain a [certificate of registration] **license** for such shop or establishment issued by the board before barbering is practiced therein. A new [certificate of registration] **license** shall be obtained for a barber shop or establishment before barbering is practiced therein when the shop or establishment changes ownership or location.

2. The board shall issue a [certificate of registration] **license** for a shop or establishment upon receipt of [a registration] **the license** fee from the applicant if the board finds that the shop or establishment complies with the sanitary regulations adopted pursuant to section 328.060. All shops or establishments shall continue to comply with the sanitary regulations. Failure of a shop or establishment to comply with the sanitary regulations shall be grounds for the board to file a complaint with the administrative hearing commission to revoke or suspend the [certificate of registration] **license** for the shop or censure or place on probation the holder thereof.

3. The [certificate of registration] **license** for a shop or establishment shall be renewable. The applicant for renewal of the [certificate] **license** shall on or before the renewal date submit [a] **the completed renewal application accompanied by the required** renewal fee. If the renewal **application and** fee [is] **are** not submitted [on or before] **within thirty days following** the renewal date [and if the fee remains unpaid for thirty days thereafter], a penalty fee plus the renewal fee shall be paid to renew the [certificate] **license**. If a new shop opens any time during the licensing period and does not register **a license** before opening, there shall be a delinquent fee in addition to the regular fee. The [certificate of registration must] **license shall** be kept posted in plain view within the shop or establishment at all times.

328.120. 1. Any firm, corporation or person, [desiring to conduct a barber school or college in this state, shall first secure from the board a permit to do so, and shall keep the same prominently displayed. There shall be a permit fee to be paid on or before the permit renewal date.] **may make application to the board for a license to own and operate a barber school or college on the form prescribed by the board. Every barber school or college in which the occupation of barbering is taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the board's determination that the applicant meets all other requirements of this chapter and any rules**

promulgated thereunder. The license shall be kept posted in plain view within the barber school or college at all times.

2. A barber school or college license renewal application and fee shall be submitted on or before the renewal date of any school or college license issued under this section. If the barber school or college license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular license renewal fee.

3. The board shall promulgate rules and regulations regarding the course of study in [the] a barber school or college, and may revoke any [permit] license issued hereunder for any violation of the provisions of this section or rule promulgated pursuant to this section. The board shall follow the procedure prescribed by chapter 621, RSMo, to revoke a barber school [permit] license. [Permits] License shall not be restricted to any one group or person but shall be granted to any reasonably qualified person or group under a fair and nondiscriminating method of determination.

[2.] 4. There shall be not less than one teacher or instructor for every fifteen students in any barber school or college holding a [permit] license under this section.

[3.] 5. The barber school or college shall immediately file with the board the name and age of each student entering the school, and the board shall cause the same to be entered in a register kept for that purpose. A registration fee shall be paid by the student.

[4.] 6. The barber school or college shall certify to the board the names of all students who successfully completed a course of study approved by the board and consisting of at least one thousand hours of study under the direct supervision of a licensed instructor in a period of not less than six months.

[5.] 7. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

328.130. [There shall be furnished to each person to whom a certificate of registration is issued a card or certificate certifying that] The board shall issue a printed license to each person successfully meeting the board's requirements for licensure, which shall be evidence the holder thereof is entitled to practice the occupation of [barber] barbering in this state[, and it shall be the duty of the holder of such card or certificate to]. The licensee shall post [the same] his or her license in a conspicuous place in front of his or her working chair where it may be readily seen by all persons whom he or she may serve.

328.160. Any person practicing the occupation of [barber] barbering without having obtained a [certificate of registration or permit] license as provided in this chapter, or willfully employing a barber who [has not such certificate or permit] does not hold a valid license issued by the board, managing or conducting a barber school or college[,] without first securing a [permit] license from [such] the board, or falsely pretending to be qualified to practice as a barber or instructor or teacher of such occupation under this chapter, or failing to keep [the certificate, card or permit mentioned in] any license required by this chapter properly displayed or for any extortion or overcharge practiced, and any barber college, firm, corporation or person operating or conducting a barber college without first having secured the [permit provided for] license required by this chapter, or failing to comply with such sanitary rules as the board, in conjunction with the department of health and senior services, prescribes, or for the violation of any of the provisions of this chapter, shall be deemed guilty of a class C misdemeanor. Prosecutions under this chapter shall be initiated and carried on in the same manner as other prosecutions for misdemeanors in this state.

329.010. As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Accredited school of cosmetology or school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in this section and meeting the criteria set forth under 34 C.F.R. Part 600, sections 600.1 and 600.2;

(2) "Apprentice" or "student", a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a [registered] licensed cosmetologist or instructor;

[(2)] (3) "Board", the state board of cosmetology and barber examiners;

[(3)] (4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision [(4)] (5) of this section;

[(4)] (5) "Cosmetology" includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes. Class CH - hairdresser, also includes, any person who either with the person's hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, arms or bust;

(b) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes, cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

(c) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as defined in paragraphs (a) and (b) of this subdivision;

(d) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

[(5)] (6) "Cosmetology establishment", that part of any building wherein or whereupon any of the classified occupations are practiced including any space rented within a licensed establishment by a person licensed under this chapter, for the purpose of rendering cosmetology services;

[(6)] (7) **"Cross-over license", a license that is issued to any person who has met the licensure and examination requirements for both barbering and cosmetology;**

(8) "Hairdresser", any person who, for compensation, engages in the practice of cosmetology as defined in paragraph (a) of subdivision [(4)] (5) of this section;

[(7)] (9) "Instructor", any person who is licensed to teach cosmetology or any practices of cosmetology pursuant to this chapter;

[(8)] (10) "Manicurist", any person who, for compensation, engages in any or all of the practices in paragraph (b) of subdivision [(4)] (5) of this section;

[(9)] (11) **"Parental consent", the written informed consent of a minor's parent or legal guardian that must be obtained prior to providing body waxing on or near the genitalia;**

(12) "School of cosmetology" or "school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in subdivision [(4)] (5) of this section.

329.015. 1. There is hereby created and established a "Board of Cosmetology and Barber Examiners" for the purpose of licensing all persons engaged in the practice of cosmetology, manicuring, esthetics, and barbering, including but not limited to shaving or trimming the beard or cutting the hair; and to fulfill all other duties and responsibilities delegated by chapter 328, RSMo, as it pertains to barbers and this chapter as it pertains to cosmetologists. The duties and responsibilities of the board of cosmetology and barber examiners as such duties and responsibilities pertain to barbers and cosmetologists shall not take full force and effect until such time as the governor appoints the members of the board of cosmetology and barber examiners and the appointments are confirmed by the senate. At such time, the powers and duties of the board of barber examiners and the state board of cosmetology shall be merged into the board under section 329.023.

2. The governor shall appoint members to the board by and with the advice and consent of the senate. The board shall consist of eleven members each of whom are United States citizens and who have been residents of this state for at least one year immediately preceding their appointment. Of these eleven members, three shall be licensed cosmetologists holding a Class CA license classification, one shall be an accredited cosmetology school owner as defined in section 329.010, one shall be the owner of a school licensed under subsection 1 of section 329.040, one shall be a cosmetologist with a license of any type of cosmetology classification, three shall be licensed barbers, and two shall be voting public members. All members, except the public members and the

accredited cosmetology school owner member, shall be cosmetologists and barbers duly registered as such and licensed under the laws of this state and shall have been actively engaged in the lawful practice of their profession for a period of at least five years immediately preceding their appointment. All members of the board, including public members and the accredited cosmetology school owner member, shall be chosen from lists submitted by the director of the division of professional registration.

3. Upon the appointment of the initial board members, at least two cosmetologist members and two barber members shall be appointed by the governor to serve a term of four years; two cosmetologist members, one barber member and a public member shall be appointed to serve a term of three years, and the remaining members of the initial board shall be appointed for a term of two years. Thereafter, all members shall be appointed by the governor by and with the advice and consent of the senate to serve four-year terms. The governor shall appoint members to fill any vacancies, whether it occurs by the expiration of a term or otherwise; provided, however, that any board member shall serve until his or her successor is appointed and duly qualified. No person shall be eligible for reappointment that has served as a member of the board for a total of twelve years.

4. At the time of appointment, the public members shall be citizens of the United States, residents of this state for a period of at least one year immediately preceding their appointment, and a registered voter. The public members and the spouse of such members shall be persons who are not and never were a member of any profession licensed or regulated by the board. The public members and the spouse of such members shall be persons who do not have and never have had a material financial interest in the provision of the professional services regulated by the board, or an activity or organization directly related to any professions licensed or regulated by the board. The duties of the public members and the accredited school owner member shall not include the determination of the technical requirements to be met for licensure, or whether any person meets such technical requirements, or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. Any member who is a school owner shall not be allowed access to the testing and examination materials nor shall any such member be allowed to attend the administration of the examinations, except when such member is being examined for licensure.

6. The members of the board shall receive as compensation for their services the sum set by the board not to exceed seventy dollars for each day actually spent in attendance at meetings of the board plus actual and necessary expenses.

329.023. 1. Upon appointment by the governor and confirmation by the senate of the board, the state board of cosmetology is abolished and its duties and responsibilities shall merge into the board as established under section 329.015. The board shall be a continuance of and shall carry out the duties of the state board of cosmetology.

2. Upon appointment by the governor and confirmation by the senate of the board, all of the powers, duties, and functions of the state board of cosmetology are transferred to, conferred, and imposed upon the board. The board shall be the successor in every way to the powers, duties, and functions of the state board of cosmetology.

3. Every act performed in the exercise of such powers, duties, and authorities by or under the authority of the board shall be deemed to have the same force and effect as if performed by the state board of cosmetology under this chapter, including any amendments thereto effective with the passage of this law or prior to the effective date of this section.

4. All rules and regulations of the state board of cosmetology and any amendments thereto shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the board until revised, amended, or repealed by the board. The board shall review such rules and regulations and shall adopt new rules as required for the administration of the licensure law for barbers and cosmetologists.

5. Any person or entity licensed or provisionally licensed by the state board of cosmetology prior to the appointment by the governor and confirmation by the senate of the board, shall be considered licensed in the same manner by the board of cosmetology and barber examiners.

329.025. 1. The board shall have power to:

(1) Prescribe by rule for the examination of applicants for licensure to practice the classified occupations of

barbering and cosmetology and issue licenses;

(2) Prescribe by rule for the inspection of barber and cosmetology establishments and schools and appoint the necessary inspectors and examining assistants;

(3) Prescribe by rule for the inspection of establishments and schools of barbering and cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants;

(4) Set the amount of the fees that this chapter and chapter 328 authorize and require, by rules promulgated under section 536.021, RSMo. The fees shall be set at a level sufficient to produce revenue that shall not substantially exceed the cost and expense of administering this chapter and chapter 328;

(5) Employ and remove board personnel, as set forth in subdivision (4) of subsection 15 of section 620.010, RSMo, including an executive secretary or comparable position, inspectors, investigators, legal counsel and secretarial support staff, as may be necessary for the efficient operation of the board, within the limitations of its appropriation;

(6) Elect one of its members president, one vice president, and one secretary with the limitation that no single profession can hold the positions of president and vice president at the same time;

(7) Promulgate rules necessary to carry out the duties and responsibilities designated by this chapter and chapter 328;

(8) Determine the sufficiency of the qualifications of applicants; and

(9) Prescribe by rule the minimum standards and methods of accountability for the schools of barbering and cosmetology licensed under this chapter and chapter 328.

2. The board shall create no expense exceeding the sum received from time to time from fees imposed under this chapter and chapter 328.

3. A majority of the board, with at least one representative of each profession being present, shall constitute a quorum for the transaction of business.

4. The board shall meet not less than six times annually.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in chapters 328 and 329 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

329.028. 1. There is hereby created in the state treasury a fund to be known as the "Board of Cosmetology and Barber Examiners Fund", which shall consist of all moneys collected by the board. All fees provided for in this chapter and chapter 328 shall be payable to the director of the division of professional registration in the department of economic development, who shall keep a record of the account showing the total payments received and shall immediately thereafter transmit them to the department of revenue for deposit in the state treasury to the credit of the board of cosmetology and barber examiners fund. All the salaries and expenses for the operation of the board shall be appropriated and paid from such fund.

2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule license renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

3. Upon appointment by the governor and confirmation by the senate of the board, all moneys deposited in the board of barbers fund created in section 328.050, RSMo, and the state board of cosmetology fund created in section 329.240, shall be transferred to the board of cosmetology and barber examiners fund created in subsection 1 of this section. The board of barbers fund and the state board of cosmetology fund shall be abolished when all moneys are transferred to the board of cosmetology and barber examiners fund.

329.035. 1. For the purposes of this section, “person employed in retail cosmetic sales” means any person who assists customers to select cosmetics by allowing the customer to apply samples of demonstration cosmetics, assisting the customer to apply cosmetics, or applying the cosmetic to the customer. There shall be no skin-to-skin contact between the salesperson and the customer. Assisted cosmetic applications by the customer or the person employed in retail cosmetic sales shall be performed with single-use applicators, except for perfume or cologne, samples applied to the hand or the arm or dispensed from a tube, pump, spray or shaker container, or samples or applicators that have been cleansed before each use or application. No person employed in retail cosmetic sales as provided in this section shall accept any remuneration from the customer for performing any of the acts described in this section or make such assistance or application conditioned on any sale.

2. A [certificate of registration as provided in] **license as required under** section 329.030 is not required for persons who are employed in retail cosmetic sales if such persons do not hold themselves out to have a license, permit, certificate of registration or any other authority authorizing such person to practice the professions licensed by the board.

3. The board may promulgate rules establishing minimum sanitation standards for persons employed in retail cosmetic sales, but such rules shall not require a sink at the cosmetic counter for a source and drainage of water or any other electrical sanitation equipment required in hairdressing or cosmetologist's or manicurist's shops licensed pursuant to this chapter. The board may inspect retail cosmetic sales establishments to ensure compliance with this section and rules promulgated thereunder.

329.045. Every establishment in which the occupation of cosmetology is practiced shall be required to obtain a license from the [state] board [of cosmetology]. Every establishment required to be licensed shall pay to the [state] **board** an establishment fee for the first three licensed cosmetologists esthetician and/or manicurists, and/or apprentices and an additional fee for each additional licensee. The fee shall be due and payable on the renewal date and, if the fee remains unpaid thereafter, there shall be a late fee in addition to the regular establishment fee or, if a new establishment opens any time during the licensing period and does not register before opening, there shall be a delinquent fee in addition to the regular establishment fee. The license shall be kept posted in plain view within the establishment at all times.”; and

Further amend said bill, Page 3, Section 329.050, Line 58, by inserting after all of said line the following:

“329.060. 1. Every person desiring to sit for the examination for any of the occupations provided for in this chapter shall file with the [state] board [of cosmetology] a written application on a form supplied to the applicant, and shall submit proof of the required age, educational qualifications, and of good moral character together with the required cosmetology examination fee. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Upon the filing of the application and the payment of the fee, the [state] board [of cosmetology] shall, upon request, issue to the applicant, if the applicant is qualified to sit for the examination, a temporary license [for a definite period of time, but not beyond the release of the results from the next regular examination of applicants] for the practicing of the occupations as provided in this chapter. Any person receiving a temporary license shall be entitled to practice the occupations designated on the temporary license, under the supervision of a person licensed in cosmetology, until the expiration of the temporary license. Any person continuing to practice the occupation beyond the expiration of the temporary license without being licensed in cosmetology as provided in this chapter is guilty of an infraction.

329.070. 1. Apprentices or students shall be licensed with the board and shall pay a student fee or an apprentice fee prior to beginning their course, and shall be of good moral character and have an education equivalent to the successful completion of the tenth grade.

2. An apprentice or student shall not be enrolled in a course of study that shall exceed [eight] **twelve** hours per day or that is less than three hours per day. The course of study shall be no more than [forty-eight] **seventy-two** hours per week and no less than fifteen hours per week.

3. Every person desiring to act as an apprentice in any of the classified occupations within this chapter shall file with the board a written application on a form supplied to the applicant, together with the required apprentice fee.

329.090. If the [state] board [of cosmetology] finds the applicant has submitted the credentials required for

admission to the examination and has paid the required fee, the board shall admit such applicant to examination for licensure.

329.100. The examination of applicants for licenses to practice under this chapter shall be conducted under the rules prescribed by the [state] board [of cosmetology] and shall include both practical demonstrations and written and oral tests in reference to the practices for which a license is applied and such related studies and subjects as the [state] board [of cosmetology] may determine necessary for the proper and efficient performance of such practices and shall not be confined to any specific system or method, and such examinations shall be consistent with the practical and theoretical requirements of the classified occupation or occupations as provided by this chapter.

329.110. 1. If an applicant for examination for cosmetology passes the examination to the satisfaction of the [state] board [of cosmetology] and has paid the fee required and complied with the requirements pertaining to this chapter, the board shall cause to be issued a license to that effect. The license shall be evidence that the person to whom it is issued is entitled to engage in the practices, occupation or occupations stipulated therein as prescribed in this chapter. The license shall be conspicuously displayed in his or her principal office, place of business, or employment.

2. Whenever anyone who has been licensed in accordance with this chapter practices any of the occupations authorized in this chapter outside of or away from the person's principal office, place of business, or employment, he or she shall deliver to each person in his or her care a certificate of identification. This certificate shall contain his or her signature, the number and date of his or her license, the post office address and the date upon which the certificate of identification is delivered to the person under his or her care.

329.120. The holder of a license issued by the [state] board [of cosmetology] who continues in active practice or occupation shall on or before the license renewal date renew the holder's license and pay the renewal fee. A license which has not been renewed prior to the renewal date shall expire on the renewal date. The holder of an expired license may have the license restored within two years of the date of expiration without examination, upon the payment of a delinquent fee in addition to the renewal fee.

329.130. [The state board of cosmetology shall dispense with examinations of an applicant, as provided in this chapter, and shall grant licenses under the respective sections upon the payment of the required fees, provided that the applicant has complied with the requirements of another state, territory of the United States, or, District of Columbia wherein the requirements for licensure are substantially equal to those in force in this state at the time application for the license is filed and upon due proof that the applicant at time of making application holds a current license in the other state, territory of the United States, or District of Columbia, and upon the payment of a fee equal to the examination and licensing fees required to accompany an application for a license in cosmetology.] **1. The board shall grant without examination a license to practice cosmetology to any applicant who holds a current license that is issued by another state, territory of the United States, or the District of Columbia whose requirements for licensure are substantially equal to the licensing requirements in Missouri at the time the application is filed or who has practiced cosmetology for at least two consecutive years in another state, territory of the United States, or the District of Columbia. The applicant under this subsection shall pay the appropriate application and licensure fees at the time of making application.** A licensee who is currently under disciplinary action with another board of cosmetology shall not be licensed by reciprocity under the provisions of this chapter.

2. Any person who lawfully practiced or received training in another state who does not qualify for licensure without examination may apply to the board for licensure by examination. Upon application to the board, the board shall evaluate the applicant's experience and training to determine the extent to which the applicant's training and experience satisfies current Missouri licensing requirements and shall notify the applicant regarding his or her deficiencies and inform the applicant of the action that he or she must take to qualify to take the examination. The applicant for licensure under this subsection shall pay the appropriate examination and licensure fees.

329.265. [Until July 1, 1999, any person licensed in Missouri as a Class CH or CA cosmetologist pursuant to this chapter may be licensed as an esthetician without examination if such person applies to the state board of cosmetology and pays a fee, as established by the board. The state board of cosmetology shall notify, by October 1, 1998, by United States mail at their last known address, all persons licensed in Missouri as Class CH or CA cosmetologists of their rights as provided in this section to be licensed as an esthetician without examination.] After July 1, 1999, any licensed

cosmetologist shall be required to complete the required training of seven hundred and fifty hours and pass the required examination **to be licensed as an esthetician.**”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 353**, as amended: Senators Bartle, Loudon, Scott, Graham and Days.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HB 665**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 186**, with **SCS**, entitled:

An Act to repeal sections 56.060, 56.631, 56.640, 56.650, 56.660, 67.1775, 67.1922, 67.1934, 94.700, 144.518, 184.357, 210.860, and 210.861, RSMo, and to enact in lieu thereof twenty new sections relating to county government, with an emergency clause for a certain section.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for **HCS** for **HB 186**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 186

An Act to repeal sections 56.060, 56.312, 56.631, 56.640, 56.650, 56.660, 56.765, 64.940, 67.1775, 67.1922, 67.1934, 94.270, 94.660, 94.700, 136.150, 144.044, 144.518, 184.357, 210.860, 210.861, 321.552, 321.554, 473.770, 473.771, 483.260, and 570.120, RSMo, and to enact in lieu thereof thirty-eight new sections relating to county government, with a penalty provision and an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 186** be adopted.

Senator Scott offered **SS** for **SCS** for **HCS** for **HB 186**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 186

An Act to repeal sections 67.459, 67.1775, 67.1922, 67.1934, 94.070, 94.660, 94.700, 144.044, 144.518, 184.357, 210.860, 210.861, RSMo, and to enact in lieu thereof twenty new sections relating to local taxes, with an emergency clause for a certain section.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 186** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 3, Section 67.459, Line 15, by inserting after all of said line the following:

“67.1062. As used in sections 67.1062 to 67.1071, unless the context clearly requires otherwise, the following words and phrases mean:

(1) “Agency”, an entity which provides [housing-related assistance] **any service related** to homeless persons or the repair or replacement of housing structures which are in violation of the county housing code, and shall include not-for-profit housing partnerships as defined in 24 CFR Part 92 or successor regulations;

- (2) “City”, any city not within a county;
- (3) “County”, a county of the first class having a charter form of government;
- (4) “Designated authority”, the board, commission, agency, or other body designated under the provisions of section 67.1065 as the authority to administer the allocation and distribution of funds to agencies;
- (5) “Homeless”, an involuntary state characterized by a lack of habitable housing or shelter.

67.1067. 1. Any agency providing [assistance] **services related** to homeless persons may apply to the designated authority for funds to be used to provide [housing] **such services** for the homeless. All applications shall include, but not be limited to, the following:

- (1) [Evidence that the agency is incorporated or authorized to do business in this state as a nonprofit corporation;
- (2)] A list of the directors of the [corporation] **applicant, if any**, and a list of the trustees of the agency if different;
- [(3)] (2) The proposed budget of the agency for the following calendar year, or other period for which funding is sought;
- [(4)] (3) A summary of the services proposed to be offered in the following calendar year, or other period for which funding is sought;
- [(5)] (4) An estimate of the number of persons to be served during the following calendar year, or other period for which funding is sought; and
- [(6)] (5) Any other information deemed relevant to the application by the designated authority.

2. After review of an application for funds from an agency that meets the criteria set forth in section 67.1069, the designated authority shall notify the agency in writing whether it is eligible to receive funds and, if the agency is eligible, specify the amount available for that agency from the fund established pursuant to sections 67.1063 and 67.1064.

67.1069. To qualify for funds allocated and distributed pursuant to section 67.1067, an agency [shall meet] **may be any entity which provides services related to homeless persons or which meets** all of the following requirements:

- (1) [Be incorporated or authorized to do business in the state as a nonprofit corporation;
- (2)] Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess experience in confronting or mitigating the problems of homeless;
- [(3)] (2) Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 67.1067. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal service; and
- [(4)] (3) Require persons employed by or volunteering services to the agency to maintain the confidentiality of any information that would identify individuals served by the agency.

67.1070. Funds shall be allocated to:

- (1) Agencies offering or proposing to offer the broadest range of housing-related services to persons in the community served, including:
 - (a) Emergency short-term and long-term shelter for the homeless;
 - (b) Prevention of residential foreclosures and evictions;
 - (c) Coordination of existing community services; and
 - (d) Projects to encourage self-sufficiency of participants and facilitate transition from dependency on subsidized housing;
- (2) Other [agencies offering or proposing to offer services specifically to homeless persons] **entities essential for carrying out the purposes of this section.**”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Green offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No.

186, Pages 1-2, Section 66.625, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 3, Section 67.459, Line 15, of said page, by inserting after all of said line the following:

“67.1003. 1. The governing body of any city or county, other than a city or county already imposing a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such city or county or a portion thereof pursuant to any other law of this state, having more than three hundred fifty hotel and motel rooms inside such city or county or **(1)** a county of the third classification with a population of [(1)] more than seven thousand but less than seven thousand four hundred inhabitants; (2) or a third class city with a population of greater than ten thousand but less than eleven thousand located in a county of the third classification with a township form of government with a population of more than thirty thousand; (3) or a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-one thousand; **(4)** or any third class city with a population of more than eleven thousand but less than thirteen thousand which is located in a county of the third classification with a population of more than twenty-three thousand but less than twenty-six thousand; **(5) or any city of the third classification with more than ten thousand five hundred but fewer than ten thousand six hundred inhabitants** may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general or primary election a proposal to authorize the governing body of the city or county to impose a tax pursuant to this section. The tax authorized by this section shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. Notwithstanding any other provision of law to the contrary, the tax authorized in this section shall not be imposed in any city or county already imposing such tax pursuant to any other law of this state, except that cities of the third class having more than two thousand five hundred hotel and motel rooms, and located in a county of the first classification in which and where another tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in such county is imposed, may impose the tax authorized by this section of not more than one-half of one percent per occupied room per night.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city or county) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city or county) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

☐ Yes ☐ No

4. As used in this section, “transient guests” means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 26, Section 94.070, Line 25, of said page, by inserting immediately after said line the following:

“94.270. 1. The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public

halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune tellers, pistol galleries, corn doctors, private venereal hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitations of this subsection shall be automatically reduced to comply with this subsection.

4. Notwithstanding any other law to the contrary, on or after January 1, 2006, no city of the fourth classification with more than fifty-one thousand but fewer than fifty-two thousand inhabitants and located in any county with a charter form of government and with more than two hundred eighty thousand but less than two hundred eighty-five thousand shall levy or collect a license fee on hotels or motels in an amount in excess of one thousand dollars per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

5. Any city under subsection 4 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed one-eighth of one percent of such hotel or motel's gross revenue.

6. Any city under subsection 1, 2, and 3 of this section may increase a hotel and motel license tax by five percent per year but the total tax levied under this section shall not exceed the greater of:

- (1) One-eighth of one percent of such hotel or motel's gross revenue; or**
- (2) The business license tax rate for such hotel or motel on May 1, 2005.**

7. The provisions of subsection 7 shall not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project from which bonds are outstanding as of May 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Crowell moved that the above amendment be adopted, which motion prevailed.

Senator Engler offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 37, Section 94.838, Line 12, by inserting after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms “motor vehicle” and “highway” shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or

educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, [solely] in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service

thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith,

neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All sales or other transfers of tangible personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Engler moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 37, Section 94.838, Line 12, by inserting immediately after said line the following:

"135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. **A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed.** The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed

prior to such disability to qualify for a property tax credit;

(3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

137.106. 1. This section may be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", as such term is defined in section 135.010, RSMo;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to subsection 4 of this section; in the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to subsection 4 of this section did not exceed the maximum upper limit; **in the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions 7 and 8 of this subsection;** no individual shall be an eligible owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year, [not including the year in which the application was completed,] shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person [qualifies] **filed a valid claim** for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, **except where an eligible owner of the property has made such improvements to accommodate a disabled person;**

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [8] **10** of this section. **For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005 and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application;**

(7) "Income", federal adjusted gross income, **and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;**

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. **If application is made in 2005**, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and

September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, **not made to accommodate a disabled person**, did not total more than five percent of the prior year appraised value.

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon [receiving] **request for** an application, shall:

- (1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;
- (2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks **for inclusion on the form**;

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April 1 and September 30 of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;**
- (2) That the applicant's prior year income was less than the maximum upper limit;**
- (3) To the address of the homestead property;**
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and**

(5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by September thirtieth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[7.] **8. If application is made in 2005**, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

[8.] **9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make**

adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income is verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[9.] 11. [If, in any given year,] **For applications made in 2005**, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[10.] 12. After setting the homestead exemption limit **for applications made in 2005**, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation **and assessment fund allocation** to the county collector's funds of each county **or the treasurer ex officio collector's fund in counties with a township form of government** where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector **or the treasurer ex officio collector in counties with a township form of government**, shall be deposited in the county collector's fund of a county **or the treasurer ex officio collector's fund** or may be sent by mail to the collector of a county, **or the treasurer ex officio collector in counties with a township form of government**, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues **by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government**, so as to exactly offset each homestead exemption credit being issued. **In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.**

[11.] 13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax

liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex-officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[12.] 16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to [the mailing of the tax bill] **January first of the year in which the credit would otherwise be applied**, the credit shall be void and any corresponding moneys, pursuant to subsection 10 of this section, shall lapse to the state to be credited to the general revenue fund. **In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.**

[13.] 17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

[14.] 18. In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a

revision bill for repeal.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Crowell assumed the Chair.

Senator Taylor offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 21, Section 67.1934, Line 17, of said page, by inserting after all of said line the following:

“67.1956. 1. In each tourism community enhancement district established pursuant to section 67.1953, there shall be a board of directors, to [initially] consist of [not less than five] **seven** members. [One member] **Three members** shall be selected by the governing body of the city, town or village, [with the largest population, at the inception of the district, within the district. One member] **located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. Two members** shall be selected by the governing body of the city, town or village, [with the second largest population, at the inception of the district, within the district] **located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district**, if such a city, town or village exists in the district. If no such city, town or village exists in the district then [one member] **two additional members** shall be selected by [the board of directors of the district from the unincorporated area of such district. Two members] **the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member** shall be selected by the [largest convention and visitor's bureau or similar organization, at the inception of the district, within] **governing body of the county located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member** shall be selected by the [destination marketing organization of the second largest county, city, town or village, at the inception of the district, within] **governing body of the county located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district.**

2. Of the members first selected, the [two] **three** members from the city, town or village **located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district** shall be selected for a term of three years, the two members from the [convention and visitor's bureau] **the city, town, or village located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district** shall be selected for a term of two years, and the [member from the destination marketing organization of the second largest city] **the remaining members** shall be selected for a term of one year. Thereafter, each member selected shall serve a three-year term. Every member shall be **either a resident of the district, own real property within the district, be employed by a business within the district, or operate a business within the district.** All members shall serve without compensation. [Any vacancy within the board shall be filled in the same manner as the person who vacated the position was selected, with the new person serving the remainder of the term of the person who vacated the position.] The board shall elect its own treasurer, secretary and such other officers as it deems necessary and expedient, and it may make such rules, regulations, and bylaws to carry out its duties pursuant to sections 67.1950 to 67.1977.

[2. Any time a district is expanded by either an unincorporated or incorporated area, the board shall be expanded by two members. One member shall be appointed by the governing body of the incorporated area added to the district or by the board of directors of the district for the unincorporated area added to the district and one member shall be appointed by the governing body of the city, town or village with the largest population at the inception of the district for the first expansion and every odd-numbered expansion thereafter, or by the convention and visitor's bureau or similar entity of the largest city, town or village, at the inception of the district, for the second expansion and every even-numbered expansion thereafter.]

3. Any vacancy within the board shall be filled in the same manner as the person who vacated the position was selected within sixty days of the vacancy occurring, with the new person serving the remainder of the term of the person who vacated the position. In the event that a person is not so selected within sixty days of the vacancy occurring, the remaining members of the board shall select a person to serve the remainder of the term

of the person who vacated the position.

4. If a tourism community enhancement district is already in existence on August 28, 2005, the one additional board member shall be appointed by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district for a one year term and the other additional board member shall be appointed by the governing body of the county located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district for a two year term, thereafter all board members shall serve three year terms. The existing board members shall serve out their terms with the provisions of this section controlling the appointment of successor board members, with first and second board existing positions to expire to be appointed by the governing body of the city, town, or village located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district, the third and fourth existing board positions to expire to be appointed by the governing body of the city, town, or village located within the district that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district and the fifth existing board position to expire to be appointed by the governing body of the county located within the district that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district.

[3.] 5. The board, on behalf of the district, may:

(1) Cooperate with public agencies and with any industry or business located within the district in the implementation of any project;

(2) Enter into any agreement with any public agency, person, firm, or corporation to implement any of the provisions of sections 67.1950 to 67.1977;

(3) Contract and be contracted with, and sue and be sued; and

(4) Accept gifts, grants, loans, or contributions from the United States of America, the state, any political subdivision, foundation, other public or private agency, individual, partnership or corporation on behalf of the tourism enhancement district community.

67.1959. 1. The board, by a majority vote, may submit to the residents of such district a tax of not more than one percent on all retail sales, except **sales of food as defined in section 144.014**, sales of new or used motor vehicles, trailers, boats, or other outboard motors and sales of funeral services, made within the district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon the written request of the board to the election authority of the county in which a majority of the area of the district is situated, such election authority shall submit a proposition to the residents of such district at a municipal or statewide primary or general election, or at a special election called for that purpose. Such election authority shall give legal notice as provided in chapter 115, RSMo.

2. Such proposition shall be submitted to the voters of the district in substantially the following form at such election:

Shall the Tourism Community Enhancement District impose a sales tax of (insert amount) for the purpose of promoting tourism [and community enhancements in the (name of county, city, town or village that includes a majority of the area within the proposed district) Tourism Community Enhancement District] **in the district?**

☐ Yes

☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.1968. Expenditures may be made from the tourism community enhancement district sales tax trust fund or

moneys collected pursuant to section 67.1965 for any purposes authorized pursuant to subsection 1 of section 67.1959, provided as follows:

(1) [Ten percent of the revenues shall be used for education purposes. The board shall transmit those revenues to the school district or districts within the district, on a basis of revenue collected within each school district. These revenues shall not be used in any manner with respect to the calculation of the state school aid pursuant to chapter 163, RSMo;

(2) Ten percent of the revenues collected from the tax authorized by this section shall be used by the board for senior citizen or youth or community enhancement purposes within the district. The board shall distribute these revenues to the cities, towns and villages based upon the amount of sales tax collected within each city, town or village and the portion of the revenues not attributable to any city, town or village shall be distributed at the discretion of the board;

(3) Seventy-five percent of the revenues shall be used by the board for marketing, advertising and promotion of tourism. The district shall enter into an agreement with a not-for-profit organization providing local support services, including but not limited to visitor's centers, to conduct and administer public relations, sales and marketing of tourism on behalf of the district to enhance the economic health of the district. Such marketing, advertising and promotional activities shall be developed into a comprehensive marketing plan, for the benefit of the district;

(4) Two percent of the revenues shall be distributed among each destination marketing organization located within each school district or districts within the district based upon the amount of sales tax collected within each school district;

(5) Two percent of the revenues shall be transmitted to the not-for-profit organization conducting and administering the marketing plan within the district for purposes of administering the marketing plan] **One percent of the revenues collected from the tax authorized by this section may be held in reserve and used by the board for the reimbursement of or for lawful and reasonable administrative expenses involved with the board's fulfillment of their statutory duties including, but not limited to, insurance, election costs, legal, accounting, and audit fees, administrative services and travel. If such reasonable expenses, plus a reasonable reserve, exceeds the revenues provided in this subsection, then the additional revenues necessary for such reasonable expenses shall come from the revenues provided in subsection 2 of this section. If such reasonable expenses, plus a reasonable reserve, do not exceed the revenues provided in this subsection, the board may use the excess funds in the same manner as the revenues provided in subsection 2 of this section.**

(2) **Ninety-eight percent of the revenues collected from the tax authorized by this section shall be used by the board for marketing, advertising, and promotion of tourism, the administration thereof, and a reasonable reserve. The district shall enter into an agreement with an organization or organizations to conduct and administer functions such as public relations, sales and marketing of tourism on behalf of the district to enhance the economic health of the district. Such marketing, advertising, and promotional activities shall be developed into a comprehensive marketing plan, for the benefit of the district. Up to two percent of the revenues in this subsection, at the sole discretion of the board, may be distributed among each destination marketing organization, located within each school district, for marketing based upon a marketing plan which shall be submitted each year by the destination marketing organizations located within the district, if such marketing plan is approved by the board;**

(3) **One percent of the revenues collected from the tax authorized by this section may be retained by the Missouri department of revenue or any other entity responsible for the collection of the sales tax.**

67.1979. Members of the board of directors may be removed by [two-thirds] **a majority** vote of the appointing governing body.”; and

Further amend the title and enacting clause accordingly.

Senator Taylor moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 8:SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 37, Section 94.838, Line 12, of said page, by inserting immediately after said line the following:

“100.050. 1. Any municipality proposing to carry out a project for industrial development shall first, by majority vote of the governing body of the municipality, approve the plan for the project. The plan shall include the following

information pertaining to the proposed project:

- (1) A description of the project;
- (2) An estimate of the cost of the project;
- (3) A statement of the source of funds to be expended for the project;
- (4) A statement of the terms upon which the facilities to be provided by the project are to be leased or otherwise disposed of by the municipality; and
- (5) Such other information necessary to meet the requirements of sections 100.010 to 100.200.

2. If the plan for the project is approved after August 28, 2003, and the project plan involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality, the project plan shall additionally include the following information:

- (1) A statement identifying each school district, **junior college district**, county, or city affected by such project except property assessed by the state tax commission pursuant to chapters 151 and 153, RSMo;
- (2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;
- (3) An analysis of the costs and benefits of the project on each school district, **junior college district**, county, or city; and
- (4) Identification of any payments in lieu of taxes expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

3. If the plan for the project is approved after August 28, 2003, any payments in lieu of taxes expected to be made by any lessee of the project shall be applied in accordance with this section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and administering the plan. All amounts paid in excess of such actual costs shall, immediately upon receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each school district, **junior college district**, county, or city in proportion to the current ad valorem tax levy of each school district, **junior college district**, county, or city; **however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by the municipality's treasurer or other financial officer to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity.**

100.059. 1. The governing body of any municipality proposing a project for industrial development which involves issuance of revenue bonds or involves conveyance of a fee interest in property to a municipality shall, not less than twenty days before approving the plan for a project as required by section 100.050, provide notice of the proposed project to the county in which the municipality is located and any school district that is a school district, **junior college district**, county, or city; **however, in any county of the first classification with more than ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred inhabitants, if the plan for the project is approved after May 15, 2005, such notice shall be provided to all taxing affected entities in the county.** Such notice shall include the information required in section 100.050, shall state the date on which the governing body of the municipality will first consider approval of the plan, and shall invite such school districts, counties, or cities to submit comments to the governing body and the comments shall be fairly and duly considered.

2. Notwithstanding any other provisions of this section to the contrary, for purposes of determining the limitation on indebtedness of local government pursuant to section 26(b), article VI, Constitution of Missouri, the current equalized assessed value of the property in an area selected for redevelopment attributable to the increase above the total initial equalized assessed valuation shall be included in the value of taxable tangible property as shown on the last completed assessment for state or county purposes.

3. The county assessor shall include the current assessed value of all property within the school district, county, or city in the aggregate valuation of assessed property entered upon the assessor's book and verified pursuant to section 137.245, RSMo, and such value shall be utilized for the purpose of the debt limitation on local government pursuant to section 26(b), article VI, Constitution of Missouri.

4. This section is applicable only if the plan for the project is approved after August 28, 2003.”; and
Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Vogel offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 37, Section 94.838, Line 12, of said page, by inserting immediately after said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;
- (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes**; and
- (8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:
 - (a) The right of the interstate compact agency to use, control, and possess the property is terminated;
 - (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and
 - (c) There are no provisions for reverter of the property within the limitation period for reversioners.”; andFurther amend the title and enacting clause accordingly.

Senator Vogel moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 186, Page 37, Section 94.838, Line 12, by inserting immediately after said line the following:

“137.073. 1. As used in this section, the following terms mean:

- (1) “General reassessment”, changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;
- (2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;
- (3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school

district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) "Tax revenue", when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term "tax revenue" shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, **or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo**, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year

adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index

for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. Within thirty days after the effective date of this act, the state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this

section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax

erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, page 47, section 210.861, line 13, by inserting immediately after said line the following:

“313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less winnings paid to wagers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) **“Capital, cultural, and special law enforcement purpose expenditures”, shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;**

[(4)] (5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

[(5)] (6) “Commission”, the Missouri gaming commission;

[(6)] (7) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(7)] (8) “Excursion gambling boat”, a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

(9) **“Fiscal year”, shall for the purposes of subsections 3 and 4 of section 313.820, mean the fiscal year of a home dock city or county;**

[(8)] (10) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(9)] (11) “Gambling excursion”, the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(10)] (12) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by

amendment to the Missouri Constitution;

[(11)] **(13)** “Games of chance”, any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(12)] **(14)** “Games of skill”, any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold'em”, “double down stud”, and any video representation of such games;

[(13)] **(15)** “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

[(14)] **(16)** “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(15)] **(17)** “Licensee”, any person licensed under sections 313.800 to 313.850;

[(16)] **(18)** “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(19) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill referred to in subdivision [(12)] **(14)** of subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

(1) Is it in the best interest of gaming to allow the game; and

(2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a

political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

3. Effective fiscal year 2008 and each fiscal year thereafter, the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the percentage of gross revenue realized by the home dock city or county attributable to such admission fees for fiscal year 2007. In the case of a new casino, the provisions of this section shall become effective two years from the opening of such casino and the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the average percentage of gross revenue realized by the home dock city or county attributable to such admission fees for the first two fiscal years in which such casino opened for business. Effective fiscal year 2010 and each subsequent fiscal year until fiscal year 2015, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than thirty percent. Effective fiscal year 2015 and each subsequent fiscal, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than twenty percent.

4. After fiscal year 2007, in any fiscal year in which a home dock city or county collects an amount over the limitation on revenue derived from admission fees provided in subsection 1 of this section, such revenue shall be treated as if it were sales tax revenue within the meaning of section 67.505, RSMo, provided that the home dock city or county shall reduce its total general revenue property tax levy, in accordance with the method provided in subdivision (6) of subsection 3 of section 67.505, RSMo.

5. The provisions of subsections 3 and 4 of this section shall not affect the imposition or collection of a tax under section 313.822.

6. The provisions of subsections 3 and 4 of this section shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any city of the third classification with more than six thousand seven hundred but fewer than six thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the third classification with more than twenty-five thousand seven hundred but fewer than twenty-five thousand nine hundred inhabitants, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any special charter city with more than nine hundred fifty but fewer than one thousand fifty inhabitants, any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, any city not within a county, any home rule city with more than seventy-

three thousand but fewer than seventy-five thousand inhabitants, and any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 11:**

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute, for House Committee Substitute for House Bill No. 186, Page 40, Section 144.518, Line 6, by inserting after all of said line the following:

“184.352. The following terms whenever used or referred to in sections 184.350 to 184.384 shall unless a different intent clearly appears from the context be construed to have the following meaning:

(1) **“African American history museum and cultural subdistrict”**, shall consist of a political subdistrict which shall provide for the collection, preservation, and exhibition of items relating to the history and culture of African Americans, more specifically for interpretation through core exhibits that may include wax sculptures, photographs, paintings, and other artistic expressions; and further for the collection of costumes, archaeological anthropological material, artifacts, and memorabilia; and for the maintenance of archives, including manuscripts, personal records, and other material that relates to the African American experience to American history; and to provide for the preservation of American music traditions, including ragtime, jazz, blues, and gospel; and to provide technical assistance and advisory service for historic research or which may contract with another person with the capability of providing such services;

(2) **“Art museum subdistrict”** shall consist of such institutions and places for the purpose of collection and exhibition of pictures, statuary and other works of art and whatever else may be of artistic interest and appropriate for exhibition in an art gallery or museum for instruction in art and in general for the promotion by all proper means of aesthetic or artistic education;

[(2)] (3) **“Board”**, the governing body of the metropolitan zoological park and museum district;

[(3)] (4) **“Botanical garden subdistrict”** shall consist of a political subdistrict which shall provide for the collection and exhibition of displays of things relating to plants or botany, for the promotion of plant life and related subjects, educational and research activities, for the maintenance of a botanical library, and for the promotion by all proper means of public interest in plant life and botany; or which may contract with another person with the capability of providing such services;

[(4)] (5) **“City”**, a constitutional charter city not located within a county;

[(5)] (6) **“Commission”**, the governing body of each of the respective subdistricts as may be authorized as provided in section 184.350, 184.351, or 184.353;

[(6)] (7) **“County”**, a constitutional charter county adjoining a constitutional charter city;

[(7)] (8) **“District”**, the metropolitan zoological park and museum district;

[(8)] (9) **“Missouri history museum subdistrict”** shall consist of a political subdistrict which shall provide for the collection, preservation, and exhibition of items relating to the history of the entire state of Missouri and of the Louisiana Purchase Territory, and more specifically for the collection and display of photographs, paintings, costumes, archaeological and anthropological material, artifacts and memorabilia pertaining to the political, commercial and cultural history of the region, including extensive artifacts, memorabilia, historical documents concerning the first solo transatlantic flight, for the promotion of archaeological and historical studies, for the maintenance of a history library and archives, including manuscripts documenting the first United States sponsored exploratory expedition of the Louisiana Purchase Territory as well as papers of the president who authorized the Louisiana Purchase, and for the promotion by all proper means of public interest in the history of Missouri and the region in which it is located, and, as otherwise provided by law and in cooperation with the department of natural resources of the state of Missouri, to provide technical assistance and advisory services for the collection, preservation, and exhibition of recordings, instruments, and memorabilia of ragtime, jazz and blues music including ragtime pianos and ragtime piano sheet music to be housed and maintained at the Scott Joplin house state historic site; or which may contract with another person having all of the historical materials listed herein as well as the capability of providing all of the services listed herein;

[(9)] (10) **“Recreation and amateur sports subdistrict”** shall consist of a political subdistrict which shall provide for and assist in the planning, development, financing, maintenance, improvement and construction of facilities and

venues to be publicly owned and operated by political subdivisions, public school districts, universities and colleges, or not-for-profit corporations chartered to attract, promote and manage major national and international amateur sports events, competitions and programs for the use of the general public. Such subdistrict shall structure its procedures for procuring supplies, services and construction to achieve the result that a minimum of twenty percent in the aggregate of the total dollar value of annual procurements is made directly or indirectly from certified socially and economically disadvantaged small business concerns;

[(10)] (11) “St. Louis Science Center subdistrict” shall consist of such institutions and places for the purpose of collection and exhibition of displays of items of natural historical, industrial, transport and scientific interest, the instruction and recreation of the people, for the promotion of the study of science, industrial, transport and natural history and kindred subjects and for the promotion by all proper means of public interest in natural history, transport, industry and science;

[(11)] (12) “Special election”, an election held on the first Tuesday of April or whenever propositions are submitted to the voters of the whole district;

[(12)] (13) “Symphony orchestra subdistrict” shall consist of a political subdistrict which shall provide for regular performances of a symphony orchestra with not less than ninety full-time symphonic musicians, own its own concert hall in which a substantial number of its concerts shall be held, and provide for the promotion by all proper means of public interest in music; or which may contract with another person with the capability of providing such services and which owns its own concert hall;

[(13)] (14) “Transport museum subdistrict” shall consist of a political subdistrict which shall provide for institutions and places for the edification of the public in the history and science of transportation, communications and powering, and more specifically for the preservation and display of artifacts related to man's efforts to transport materials, people, and ideas and to create, transmit, and utilize power, and for the provision of a library of publications and other records containing history and technology related to transportation, communications and powering, and facilities for the study of such efforts; or which may contract with another person with the capability of providing such services;

[(14)] (15) “Zoological subdistrict” shall consist of such institutions and places for the collection and exhibition of animals and animal life, for the instruction and recreation of the people, for the promotion of zoology and kindred subjects, for the encouragement of zoological study and research and for the increase of public interest in wild animals and in the protection of wild animal life.

184.353. 1. (1) The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to 184.384, on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

(2) Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the Metropolitan Zoological Park and Museum District of the City of and County of be authorized to provide for a Botanical Garden Subdistrict and be authorized to provide the Botanical Garden Subdistrict with a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district?

[] YES [] NO

(3) In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast “YES” votes on the proposition, then the botanical garden subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election. The results of the election shall be certified by the election officials of such city and county, respectively, to the respective chief executive officers of such city and county not less than thirty days after the day of the election. The cost of the election shall be paid as provided by sections 115.063 and 115.065, RSMo. In the event the proposition shall fail to receive a majority of the “YES” votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary election in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

(4) If the botanical garden subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may establish and charge fees for admission to the premises of the botanical garden subdistrict, or to the premises of any person with whom its commissioners contract, not to exceed one dollar for adults and fifty cents for children under sixteen years of age. Any increase in the fees shall be presented prior to implementation for approval or disapproval to the board of the metropolitan zoological park and museum district of which the botanical garden subdistrict is a member.

2. (1) The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to 184.384, on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

(2) Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the Metropolitan Zoological Park and Museum District of the City of and County of be authorized to provide for a Transport Museum Subdistrict and be authorized to provide the Transport Museum Subdistrict with a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district?

☐ YES ☐ NO

(3) In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast “YES” votes on the proposition, then the transport museum subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election. The results of the election shall be certified by the election officials of such city and county, respectively, to the respective chief executive officers of such city and county not less than thirty days after the day of the election. The cost of the election shall be paid as provided by sections 115.063 and 115.065, RSMo. In the event the proposition shall fail to receive a majority of the “YES” votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary election in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

(4) If the transport museum subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may establish and charge fees for admission to the premises of the transport museum subdistrict, or to the premises of any person with whom its commissioners contract, not to exceed one dollar for adults and fifty cents for children under sixteen years of age. Any increase in the fees shall be presented prior to implementation for approval or disapproval to the board of the metropolitan zoological park and museum district of which the transport museum subdistrict is a member.

3. (1) The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to 184.384, on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

(2) Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the Metropolitan Zoological Park and Museum District of the City of and the County of be authorized to provide for a Missouri History Museum Subdistrict and be authorized to provide the Missouri History Museum Subdistrict with a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district?

☐ YES ☐ NO

(3) In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast “YES” votes on the proposition, then the Missouri history museum subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election. The results of the

election shall be certified by the election officials of such city and county, respectively, to the respective chief executive officers of such city and county not less than thirty days after the day of the election. The cost of the election shall be paid as provided by sections 115.063 and 115.065, RSMo. In the event the proposition shall fail to receive a majority of the “YES” votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary or special election in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

4. (1) The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to 184.354, on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

(2) Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the Metropolitan Zoological Park and Museum District of the City of and County of be authorized to provide for a Symphony Orchestra Subdistrict and be authorized to provide the Symphony Orchestra Subdistrict with a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district?

☐ YES ☐ NO

(3) In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast “YES” votes on the proposition, then the symphony orchestra subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election. The results of the election shall be certified by the election officials of such city and county not less than thirty days after the day of election. The cost of the election shall be paid as provided by sections 115.063 and 115.065, RSMo. In the event the proposition shall fail to receive a majority of the “YES” votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

(4) If the symphony orchestra subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may charge such prices from time to time for tickets for performances conducted under the auspices of the subdistrict or as they or such person deem proper; provided, however, that no fewer than fifty tickets for each such performance conducted at the principal concert hall of such subdistrict or such person shall be made available without charge for distribution to members of the general public and no fewer than fifty tickets shall be made available without charge for distribution to students in public and private elementary, secondary schools and colleges and universities in the metropolitan zoological park and museum district and all performances of the symphony orchestra conducted at the principal concert hall of the symphony orchestra within the district shall be offered for broadcast live on a public or commercial AM or FM radio station located in and generally receivable in the district or on a public or commercial broadcast television station located in or generally receivable in the district. The symphony orchestra subdistrict shall institute a fully staffed educational music appreciation program to benefit all of the citizens of the taxing district at a nominal charge.

(5) Immediately following the effective date of the symphony orchestra subdistrict tax rate any person receiving funds from said tax rate shall become ineligible for program assistance funding from the Missouri state council on the arts.

5. The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to 184.384, on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition. Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall a Recreational and Amateur Sports Subdistrict be authorized and provided for by the Metropolitan

Zoological Park and Museum District of the City of and the County of and such subdistrict be authorized to establish a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district for a period not to exceed nine years?

☐ YES

☐ NO

In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast “YES” votes on the proposition, then the recreation and amateur sports subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election for a period not to exceed nine years. The results of the election shall be certified by the election officials of such city and county, respectively, to the respective chief executive officers of such city and county not less than thirty days after the day of the election. The cost of the election shall be paid as provided by sections 115.063 and 115.065, RSMo. In the event the proposition shall fail to receive a majority of the “YES” votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary or special election in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

6. (1) The board of directors of any metropolitan zoological park and museum district, as established according to the provisions of sections 184.350 to 184.384, on behalf of the district may request the election officials of any city and county containing all or part of such district to submit the following described proposition to the qualified voters of such district at any general, primary or special election. Such election officials shall give legal notice at least sixty days prior to such general, primary or special election in at least two newspapers that such proposition shall be submitted at any general, primary or special election held for submission of the proposition.

(2) Such proposition shall be submitted to the voters in substantially the following form at such election:

Shall the Metropolitan Zoological Park and Museum District of the City of and County of be authorized to provide for an African American History Museum and Cultural Subdistrict and be authorized to provide the African American history museum and cultural subdistrict with a tax rate not in excess of four cents on each \$100 of assessed valuation of taxable property within the district?

☐ YES

☐ NO

(3) In the event that a majority of all the voters voting on such proposition in such city and a majority of voters voting on such proposition in such county cast “YES” votes on the proposition, then the African American history museum and cultural subdistrict shall be deemed established and the tax rate, as established by the board for such subdistrict, shall be deemed in full force and effect as of the first day of the second month following the election. The results of the election shall be certified by the election officials of such city and county, respectively, to the respective chief executive officers of such city and county not less than thirty days after the day of the election. The cost of the election shall be paid as provided by sections 115.063 and 115.065, RSMo. In the event the proposition shall fail to receive a majority of the “YES” votes in either the city or the county, then the proposition shall not be resubmitted at any election held prior to the next general or primary election in such city or county in the following year. Any such resubmission shall subsequently comply with the provisions of sections 184.350 to 184.384.

(4) If the African American history museum and cultural subdistrict shall be established, then its commissioners, or any person with whom its commissioners contract, may establish and charge fees for admission to the premises of the African American history museum and cultural subdistrict, or to the premises of any person with whom its commissioners contract, not to exceed one dollar for adults and fifty cents for children under sixteen years of age. Any increase in the fees shall be presented prior to implementation for approval or disapproval to the board of the metropolitan zoological park and museum district of which the African American history museum and cultural subdistrict is a member.”; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 186**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS** for **SCS** for **HCS** for **HB 186**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 254**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 95**, entitled:

An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.311, 701.312, 701.314, 701.320, 701.328, and 701.337, RSMo, and to enact in lieu thereof fourteen new sections relating to lead poisoning, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 216**, entitled:

An Act to amend chapter 492, RSMo, by adding thereto one new section relating to depositions of state crime laboratory employees.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 11, 2005

TO THE SECRETARY OF THE SENATE
93RD GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 252 entitled:

AN ACT

To repeal section 143.121, RSMo, and to enact in lieu thereof four new sections relating to the protection of military facilities and personnel, with an emergency clause.

On May 11, 2005, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 252. Respectfully submitted,

MATT BLUNT

Governor

On motion of Senator Shields, the Senate recessed until 8:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 500**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 500**, as amended. Representatives: Lager, Roark, Rupp, Donnelly and Bowman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 353**, as amended. Representatives: Lipke, Jones, Bruns, Burnett and Jolly.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS No. 2** for **HB 568** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 355**, as amended, and requests the Senate take up and pass **HCS** for **SCS** for **SB 355**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SCS** for **SB 390**, as amended, and grants the Senate a conference thereon.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SS No. 2** for **SCS** for **SB 225**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Scott assumed the Chair.

HCS for **SS No. 2** for **SCS** for **SB 225**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 225

An Act to repeal sections 260.200, 260.218, 260.262, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.325, 260.330, 260.335, 260.342, 260.345, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, 260.569, 260.900, 260.905, 260.925, 260.935, 260.940, and 260.960, RSMo, and to enact in lieu thereof thirty new sections relating to hazardous waste, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Cauthorn moved that **HCS** for **SS No. 2** for **SCS** for **SB 225**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Cauthorn, **HCS** for **SS No. 2** for **SCS** for **SB 225**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Dougherty	Graham	Loudon	Vogel—4
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NAYS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Griesheimer	Gross
Kennedy	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Wheeler
Wilson—29			

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gross moved that **SCS** for **SB 272**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 272**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 272

An Act to repeal sections 137.073, 313.800, and 313.820, RSMo, and to enact in lieu thereof three new sections relating to gaming boat admission fee revenue.

Was taken up.

Senator Gross moved that **HCS** for **SCS** for **SB 272** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **HCS** for **SCS** for **SB 272**, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 500**, as amended: Senators Gibbons, Champion, Scott, Days and Callahan.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 390**, with **HA 1** and **HA 3**. Senators Taylor, Dolan, Stouffer, Callahan and Green.

PRIVILEGED MOTIONS

Senator Engler moved that **SB 488**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Engler moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Barnitz Green—2

Absent with leave—Senators—
None

Vacancies—None

Senator Gross assumed the Chair.

On motion of Senator Engler, **SB 488**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Champion moved that **SB 216**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 216**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 216

An Act to amend chapter 492, RSMo, by adding thereto one new section relating to depositions of state crime laboratory employees.

Was taken up.

Senator Champion moved that **HCS** for **SB 216** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Champion, **HCS** for **SB 216** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Taylor moved that **SB 280**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Taylor moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senator Kennedy—1

Absent—Senators

Bartle Scott—2

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Taylor, **SB 280**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Taylor, title to the bill was agreed to.
Senator Taylor moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Senator Mayer moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 420** and **344**, as amended, and requests the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.
Senator Coleman moved that **SS** for **SB 95**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.
HCS for **SS** for **SB 95**, entitled:
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 95
An Act to repeal sections 701.304, 701.306, 701.308, 701.309, 701.311, 701.312, 701.314, 701.320, 701.328, and 701.337, RSMo, and to enact in lieu thereof fourteen new sections relating to lead poisoning, with penalty provisions.
Was taken up.
Senator Coleman moved that **HCS** for **SS** for **SB 95** be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham

Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Coleman, **HCS** for **SS** for **SB 95** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Nodler moved that the Senate refuse to recede from its position on **SS** for **HCS No. 2** for **HB 568**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Griesheimer moved that **SCS** for **SB 355**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 355**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 355

An Act to repeal sections 142.029, 142.031, 142.815, 144.010, 144.030, 246.005, 261.241, 265.300, 267.565, 276.606, 277.020, 277.200, 281.040, 311.554, 348.430, and 414.433, RSMo, and to enact in lieu thereof thirty-two new sections relating to agriculture, with an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 355**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senator Kennedy—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Griesheimer, **HCS** for **SCS** for **SB 355**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.
Senator Griesheimer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 530, introduced by Representative Moore, et al, entitled:
An Act to amend chapter 160, RSMo, by adding thereto one new section relating to American Sign Language.
Was called from the Informal Calendar and taken up by Senator Loudon.
On motion of Senator Loudon, **HB 530** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Clemens	Coleman
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Champion Dougherty—2

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Loudon, title to the bill was agreed to.
Senator Loudon moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 177** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 177

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 177 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 177;
2. That the Senate recede from its position on Senate Bill No. 177;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 177, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields
/s/ Charles Wheeler
/s/ Delbert Scott
/s/ Victor E. Callahan
/s/ Jon Dolan

FOR THE HOUSE:

/s/ Robert J. Behnen
/s/ Jay Wasson
/s/ Steven Tilley
/s/ Sam Page
/s/ Curt Dougherty

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Shields, **CCS** for **HCS** for **SB 177**, entitled:

**CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 177**

An Act to repeal sections 105.712, 256.468, 329.050, 334.735, 337.600, 337.603, 337.615, 337.618, 337.653, 344.040, 436.218, and 621.045, RSMo, and to enact in lieu thereof nineteen new sections relating to professional registration.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 192**, with **SCS**, was placed on the Informal Calendar.

HB 100, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 972**, with **SCS**, entitled:

An Act to repeal sections 577.001 and 577.023, RSMo, and to enact in lieu thereof three new sections relating to intoxication-related traffic offenses, with penalty provisions.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 972**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 972An Act to repeal sections 311.310, 565.024, 568.050, and 577.023, RSMo, and to enact in lieu thereof four new sections relating to alcohol related offenses, with penalty provisions.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 972** be adopted.

Senator Nodler offered **SS** for **SCS** for **HCS** for **HB 972**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 972

An Act to repeal sections 311.310, 565.024, 568.050, 577.001, and 577.023, RSMo, and to enact in lieu thereof five new sections relating to alcohol related offenses, with penalty provisions.

Senator Nodler moved that **SS** for **SCS** for **HCS** for **HB 972** be adopted.

At the request of Senator Nodler, **HCS** for **HB 972**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 287**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, with House Amendment Nos. 1, 2, 3, House Amendment No.1 to House Amendment No. 4, House Amendment No. 4 as amended, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5 as amended, House Amendment No. 1 to House Amendment No. 6, House Amendment No. 6 as amended, House Amendments Nos. 7, 8, 9, 10, 13, & 14, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 287;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields

/s/ Gary Nodler

/s/ Matt Bartle

/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Brian Baker, 123

/s/ Brad Lager

/s/ Mike Cunningham

Rachel Bringer

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Dolan
Engler	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Shields, **CCS** for **HCS** for **SS** for **SCS** for **SB 287**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 287

An Act to repeal sections 148.360, 149.015, 160.264, 160.400, 160.405, 160.410, 160.415, 160.420, 160.530, 160.531, 160.534, 160.550, 161.527, 162.081, 162.675, 162.725, 162.735, 162.740, 162.792, 162.935, 162.975, 163.005, 163.011, 163.014, 163.015, 163.021, 163.023, 163.025, 163.028, 163.031, 163.032, 163.034, 163.035, 163.036, 163.071, 163.073, 163.081, 163.087, 163.091, 163.172, 164.011, 164.303, 165.011, 165.015, 165.016, 166.260, 166.275, 167.126, 167.151, 167.332, 167.349, 168.281, 168.515, 169.596, 170.051, 170.055, 171.121, 178.296, and 360.106, RSMo, and to enact in lieu thereof fifty-two new sections relating to education, with an effective date for certain sections and penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Cauthorn
Champion	Clemens	Crowell	Dolan
Engler	Gibbons	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel—24

NAYS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wilson—9			

Absent—Senator Wheeler—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
 On motion of Senator Shields, title to the bill was agreed to.
 Senator Shields moved that the vote by which the bill passed be reconsidered.
 Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE
APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **HCS No. 2** for **HB 568**, as amended: Senators Nodler, Mayer, Bartle, Graham and Dougherty.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:
 May 11, 2005

Mrs. Terry Spieler
 Secretary of the Missouri Senate
 State Capitol, Room 325
 Jefferson City, MO 65101

RE: Appointment of Missouri Military Preparedness and Enhancement Commission

Dear Mrs. Spieler:
 Pursuant to Section 41.1010 (HCS SCS SB 252, 2005), I am appointing the following senators to the Missouri Military Preparedness and Enhancement Commission:
 Senator Chris Koster
 Senator Frank Barnitz
 If you have any questions, please feel free to contact me at your earliest convenience.
 Yours truly,

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1458, regarding Michael E. Williams, Saint Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 1459, regarding the late Harold W. Harvey, Malta Bend, which was adopted.

Senator Stouffer offered Senate Resolution No. 1460, regarding the birth of Ethan Connor Hall, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1461, regarding the birth of Hayden Andrew Watson, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1462, regarding John Richardson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1463, regarding Janet Crook, which was adopted.

Senator Stouffer offered Senate Resolution No. 1464, regarding the Seventy-ninth Birthday of Virgil Raymond Lindberg, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1465, regarding Mava L. Pyle, which was adopted.

Senator Alter offered Senate Resolution No. 1466, regarding Ken Bouzek, Saint Louis, which was adopted.

Senator Alter offered Senate Resolution No. 1467, regarding Beulah McCreery, Arnold, which was adopted.

Senator Alter offered Senate Resolution No. 1468, regarding Joan Brown, Arnold, which was adopted.

Senator Alter offered Senate Resolution No. 1469, regarding Sharon Klein, which was adopted.

Senator Alter offered Senate Resolution No. 1470, regarding Dave Oster, which was adopted.

Senator Klindt offered Senate Resolution No. 1471, regarding Bethany Baptist Church, Marceline, which was adopted.

Senator Graham offered Senate Resolution No. 1472, regarding Paul Todd Fletcher, which was adopted.

Senator Graham offered Senate Resolution No. 1473, regarding Leah Josephine Chandler, which was adopted.

Senator Stouffer offered Senate Resolution No. 1474, regarding Thomas James Eaton, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 1475, regarding Jason Scott Gannon, which was adopted.

Senator Dolan offered Senate Resolution No. 1476, regarding St. Patrick Church, Wentzville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Carolyn and Ed Pinegar, Springfield.

Senator Gibbons introduced to the Senate, fourth grade students from Robinson Elementary School, Kirkwood; and Antonio Leachman, Kristen Tierney, Tucker Overmann, Maggie Conner, Trevon Buckner, Madelyn Peick, Haley Hilmes, Tiara Wagner and Kelly Nolan were made honorary pages.

Senator Gibbons introduced to the Senate, fourth grade students from Westchester Elementary School, Kirkwood.

Senator Scott introduced to the Senate, Evan Helmith, Kansas City; and Whitney Paul, Buffalo.

The President introduced to the Senate, Adjutant General King Sidwell, Sikeston; and CSM Frank Gross, Lee's Summit.

Senator Shields introduced to the Senate, Mel Aytes, Lee's Summit.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY—THURSDAY, MAY 12, 2005

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS
SB 417-Engler, et al

SB 466-Vogel, with SCS
SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

HB 789-Salva, et al (Engler)

HCS for HB 665, with SCS (Scott)
(In Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS
(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)

SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS
(pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS
SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
(pending)
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)

SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS#2 for HBs 94 & 185 (Koster)
HB 100-Cunningham, et al, with SCS
(Loudon)
HCS for HB 108 (Shields)

HCS for HB 135, with SCS (Shields)
HCS for HB 192, with SCS (Cauthorn)
HB 196-Wildberger, et al, with SCS
(Koster)
HCS for HB 208, with SCS (Crowell)

HCS for HB 276 (Nodler)
HB 320-Muschany, et al, with SCS & SS
for SCS (pending) (Nodler)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)
HCS for HB 394, with SCS (Engler)

HB 417-Yates, et al, with SCS (Loudon)
HCS for HB 440 (Engler)
HCS for HB 468, with SCS (Scott)
HCS for HB 498 (Koster)
HB 539-Icet, et al, with SCS (Nodler)
HB 564-Boykins, et al (Coleman)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf, with SA 1 (pending)
(Shields)
HCS for HB 606 (Kennedy)
HB 832-Brooks, et al (Wilson)
HCS for HB 863, with SCS & SS for SCS
(pending) (Taylor)
HCS for HB 972, with SCS & SS for SCS
(pending) (Nodler)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)

HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)

HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended
SB 177-Shields, with HCS
(Senate adopted CCR and passed CCS)
SS for SCS for SB 210-Griesheimer, with
HCS, as amended
SCS for SB 233-Stouffer, with HCS, as
amended
SS for SCS for SB 287-Shields, with HCS,
as amended
(Senate adopted CCR and passed CCS)
SS for SB 343-Bartle, with HCS, as
amended
(Senate adopted CCR and passed CCS)

SCS for SB 390-Taylor, with HA 1 & HA 3
SCS for SB 500-Gibbons, et al, with HCS,
as amended
HCS for HB 58, with SS for SCS, as
amended (Griesheimer)
HCS for HB 353, with SS for SCS, as
amended (Bartle)
HCS#2 for HB 568, with SS, as amended
(Nodler)
HB 678-Byrd, with SCS, as amended
(Bartle)

Requests to Recede or Grant Conference

SCS for SBs 221, 250 & 256-Dolan, with
HCS, as amended
(Senate requests House
recede or grant conference)

SCS for SBs 420 & 344-Mayer, with HCS,
as amended
(Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al (Nodler)
HCR 15-Baker (123) (Koster)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
HCR 23-Sutherland, et al (Mayer)

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Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY—THURSDAY, MAY 12, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“He is before all things, and in him all things hold together.” (Colossians 1:17)

Gracious God, You are the creator of all that exist and what we accomplish pales before the glory we find in You. Help us, we pray, to be mindful that You are the creator and we are Your creation. Moreover, we pray, help us to live steadfast faithful lives, avoid temptations and make all our decisions according to Your intentions for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The Lieutenant Governor was
present.

HOUSE BILLS ON THIRD READING

HB 100, with **SCS**, introduced by Representative Cunningham, et al, entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HB 100**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 100An Act to repeal sections 188.080 and 197.200, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **HB 100** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 100, Page 2, Section 197.200, Line 23, by inserting immediately after said line the following:

“Section 1. To reduce the number of unintended pregnancies, the state of Missouri shall establish the “Missouri Family Planning Program” by fiscal year 2007 with an initial funding amount of five million dollars. The program shall be open to all qualified providers. Family planning shall include, but not be limited to: breast and cervical cancer checks; screening and treatment for sexually transmitted diseases (STDs); HIV screening; voluntary choice of contraception, including natural family planning; infertility management; patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy; education on sexual coercion and violence in relationships; and prenatal and other health care referrals.”; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Barnitz, Bray, Wheeler and Wilson.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Dougherty	Graham
Wheeler	Wilson—6		

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Engler
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Scott	Stouffer	Taylor
Vogel—21			

Absent—Senators

Crowell	Dolan	Gibbons	Green
Ridgeway	Shields—6		

Absent with leave—Senator
Days—1

Vacancies—None

Senator Cauthorn offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 100, Page 1, In the Title, Line 3, by inserting immediately after the word “abortion” the following: “and alternatives to abortion services”; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line the following:

“188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms mean:**

(1) “Abortion”, the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) “Abortion facility”, a clinic, physician's office, or any other place or facility in which abortions are performed **or induced** other than a hospital;

(3) “**Alternatives to abortion agency**” or “**alternatives to abortion agencies**”, an agency or agencies located in this state established and operating primarily to offer alternatives to abortion services, which does not perform, induce, or refer for abortions or hold itself out as performing, inducing, or referring for abortions, and which if it is a private agency is exempt from income taxation pursuant to the United States Internal Revenue Code of 1986, as amended. By way of example but not limitation, such agencies include maternity homes, pregnancy resource centers, and agencies commonly known and referred to as crisis pregnancy centers;

(4) “**Alternatives to abortion services**”, services or counseling offered to a pregnant woman to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption;

(5) “**Commission**”, the respect life commission;

(6) “Conception”, the fertilization of the ovum of a female by a sperm of a male;

(7) “**Department**”, the department of health and senior services;

[(4)] (8) “Gestational age”, length of pregnancy as measured from the first day of the woman's last menstrual period;

(9) “**Medical emergency**”, a condition which, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman;

[(5)] (10) “Physician”, any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (11) “Unborn child”, the offspring of human beings from the moment of conception until birth and at every stage of [its] **his or her** biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (12) “Viability”, that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.”; and

Further amend said bill, page 1, section 188.080, line 10, by inserting immediately after said line the following:

“188.300. 1. There is hereby established in the state treasury the “Alternatives to Abortion Support Fund”.

The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, other state funds, grants, gifts, devises, bequests, settlements, awards, or from federal, state, or local sources; and

(4) Any other sources granted or given for this specific purpose.

2. The state treasurer shall invest moneys in the alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the alternatives to abortion support fund shall not revert to the credit of general revenue at the end of the biennium.

4. Moneys credited to and deposited in the alternatives to abortion support fund shall only be used for the purposes authorized pursuant to this section. None of the moneys in the fund shall be granted or given to any person who or entity which performs, induces, or refers for abortions or hold himself, herself, or itself out as performing, inducing, or referring for abortions.

5. Until the amount in the alternatives to abortion support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

6. The alternatives to abortion support fund shall be used only to encourage childbirth over abortion and to support alternatives to abortion by grants to or contracts with:

(1) Alternatives to abortion agencies; and

(2) Other public and private agencies to provide alternatives to abortion services.

188.305. 1. There is hereby established the “Respect Life Commission” within the office of administration. The commission shall consist of a number of members equal to the number of congressional districts in the state, one from each congressional district, appointed by the governor with the advice and consent of the senate. Not more than half of the members if there is an even number of members and not more than a simple majority of the members if there is an odd number of members shall be from the same political party.

2. The members of the respect life commission shall serve four-year terms, except that of the initial appointments, half of the members if there is an even number of members and a simple majority of the members if there is an odd number of members shall be appointed for a term of four years and the remainder shall be appointed for a term of two years. Before the expiration of the term of a member, the governor shall appoint a successor whose term begins on July first next following. Each member shall serve until his or her successor is appointed. A member is eligible for reappointment. If there is a vacancy of a member for any cause, the governor shall make an appointment for the unexpired term with the advice and consent of the senate.

3. To be eligible for appointment to the respect life commission, a person shall demonstrate agreement with the principles and goals set forth in this section regarding respect for human life from the beginning of life until death, and the need to promote childbirth and to offer alternatives to abortion services for pregnant women so that such women are encouraged to carry their pregnancies to term instead of having abortions. In making appointments to the commission, the governor shall consider nominees recommended to the governor for

appointment by pro-life organizations in this state. In giving its advice and consent for nominees to appointment to the commission, the senate shall assess the eligibility and qualifications of each nominee for appointment to the commission as provided by this subsection.

4. Any member may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard on his or her own behalf.

5. The respect life commission shall elect one of its members to serve as chairperson, and may elect such other officers and establish such committees as deemed necessary.

6. The respect life commission may appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to the executive director by law or by the commission. The office of administration shall provide all necessary office space, facilities, and equipment. The executive director may hire and set the compensation of such staff as is approved by the commission, within the limitations of appropriations for such purpose.

7. Each member of the respect life commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties.

8. The respect life commission shall exercise its powers and duties independently of the office of administration, and the office of administration shall not participate in or supervise any substantive matters relating to policies, regulative functions, or appeals from decisions of the commission. The commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law, and shall not in any manner interfere with the budget request of the commission or withhold any moneys appropriated to the commission by the general assembly.

9. The respect life commission shall meet at least quarterly.

10. The powers and duties of the respect life commission shall include, but not be limited to, the following:

(1) To disburse funds from the alternatives to abortion support fund and any other funds authorized by law to be disbursed by the commission;

(2) To consult with appropriate state agencies, commissions, boards, and public and private agencies to determine the effectiveness of and need for alternatives to abortion services and effectiveness of and need for programs that foster respect for human life from the beginning of life until death;

(3) To facilitate information exchange and coordination among agencies and groups concerned with offering and promoting alternatives to abortion services, and concerned with offering and promoting programs that foster respect for human life from the beginning of life until death;

(4) To develop statewide educational and public informational campaigns, conferences, and workshops for the purpose of developing appropriate public awareness regarding:

(a) Respect for human life from the beginning of life until death; and

(b) The need to offer and promote alternatives to abortion services;

(5) To identify problems and conditions some pregnant women have and encounter that causes them to choose to have abortions instead of choosing to carry their pregnancies to term, and propose solutions to such problems and conditions;

(6) To develop and operate an Internet web site;

(7) To recommend statutory changes and appropriations to promote alternatives to abortion services and to promote programs that foster respect for human life both from the beginning of life until death;

(8) To solicit and accept state funds, grants, gifts, devises, bequests, settlements, awards, or other aid from the general assembly, any person or business, organization or foundation, public or private, or from federal, state, or local sources; and

(9) To perform any other functions or duties consistent with the provisions of this section or otherwise required or permitted by law.

11. The respect life commission shall submit an annual report of its activities to the president pro tem of the senate, the speaker of the house of representatives, and the governor before December 31 of each year.”; and

Further amend said bill, page 2, section 197.200, line 23, by inserting immediately after said line the following:

“301.3030. 1. Any person may receive special license plates with words and an emblem that denotes the state's respect for human life from the beginning of life until death, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund. Such license plates shall be called “Respect Life License Plates”.

2. Respect life license plates shall bear the words “RESPECT LIFE” in place of the words “SHOW-ME STATE” and shall bear the image of a single red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents that may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund at a subsequent time of registration shall be issued new plates that are not respect life license plates, as otherwise provided by law.

6. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license plate to the vehicle owner. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director or by the respect life commission describing the license plates, the alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the alternatives to abortion support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section 188.080, Line 10, by inserting after all of said line the following:

188.325. 1. There is hereby established the “Missouri Alternatives to Abortion Services Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency. The alternatives to abortion services program shall consist of services or counseling to pregnant women and continuing for one year after birth to assist women in carrying their unborn children to term instead of having abortions, and to assist women in caring for their dependent children or placing their children for adoption.

2. Services provided under the alternatives to abortion services program shall include, but not be limited to the following:

(1) Prenatal care;

(2) Medical and mental health care;

- (3) Parenting skills;**
- (4) Drug and alcohol testing and treatment;**
- (5) Child care, and newborn and infant care;**
- (6) Housing and utilities;**
- (7) Educational services;**
- (8) Food, clothing, and supplies relating to pregnancy, newborn care, and parenting;**
- (9) Adoption assistance;**
- (10) Job training and placement;**
- (11) Establishing and promoting responsible paternity;**
- (12) Ultrasound services;**
- (13) Case management;**
- (14) Domestic abuse protection; and**
- (15) Transportation.**

3. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by the agency or agencies administering the program. Services and counseling shall be available only during pregnancy and continuing for one year after birth, and shall exclude any family planning services.

4. The agency or agencies administering the program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion services program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives for abortion services program.

5. The alternatives to abortion services program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

188.335. 1. There is hereby established the “Missouri Alternatives to Abortion Public Awareness Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency.

2. The agency or agencies by which the alternatives to abortion public awareness program is administered shall establish and implement an ongoing advertising campaign publicizing alternatives to abortion services within the state, including alternatives to abortion agencies within the state and the alternatives to abortion services program established pursuant to section 188.325. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspapers, magazines, and other print media, web sites, and the Internet. The agency or agencies administering the program may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf of the agency or agencies.

3. The agency or agencies administering the program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion public awareness program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives to abortion public awareness program.

4. The alternatives to abortion public awareness program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

188.345. Twenty-five percent of the funds received by the state of Missouri from subsequent participating manufacturers that, after January 1, 2004, joined or will join the master settlement agreement defined in section 196.1000, shall be appropriated by the general assembly for the purpose of sections 188.325 to 188.335.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

Senator Loudon offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section 188.080, Line 10, by inserting after all of said line the following:

188.325. 1. There is hereby established the “Missouri Alternatives to Abortion Services Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency. The alternatives to abortion services program shall consist of services or counseling to pregnant women and continuing for one year after birth to assist women in carrying their unborn children to term instead of having abortions, and to assist women in caring for their dependent children or placing their children for adoption.

2. Services provided under the alternatives to abortion services program shall include and be limited to the following:

- (1) Prenatal care;**
- (2) Medical and mental health care;**
- (3) Parenting skills;**
- (4) Drug and alcohol testing and treatment;**
- (5) Child care, and newborn and infant care;**
- (6) Housing and utilities;**
- (7) Educational services;**
- (8) Food, clothing, and supplies relating to pregnancy, newborn care, and parenting;**
- (9) Adoption assistance;**
- (10) Establishing and promoting responsible paternity;**
- (11) Ultrasound services;**
- (12) Case management;**
- (13) Domestic abuse protection; and**

3. Actual provision and delivery of services and counseling shall be dependent on client needs and not otherwise prioritized by the agency or agencies administering the program. Services and counseling shall be available only during pregnancy and continuing for one year after birth, and shall exclude any family planning services.

4. The agency or agencies administering the program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion services program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives for abortion services program.

5. The alternatives to abortion services program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

188.335. 1. There is hereby established the “Missouri Alternatives to Abortion Public Awareness Program” which shall be administered by a state agency or agencies, as designated by appropriations to such or each agency.

2. The agency or agencies by which the alternatives to abortion public awareness program is administered shall establish and implement an ongoing advertising campaign publicizing alternatives to abortion services within the state, including alternatives to abortion agencies within the state and the alternatives to abortion services program established pursuant to section 188.325. Such advertising campaign may utilize, but shall not be limited to, the following media: television, radio, outdoor advertising, newspapers, magazines, and other print media, web sites, and the Internet. The agency or agencies administering the program may contract with professional advertising agencies or other professional entities to conduct such advertising campaign on behalf

of the agency or agencies.

3. The agency or agencies administering the program shall to the greatest extent possible supplement and match moneys appropriated for the alternatives to abortion public awareness program with federal and other public moneys and with private moneys. The agency or agencies administering the program shall prioritize such additional federal, other public, and private moneys so that they are used for the alternatives to abortion public awareness program.

4. The alternatives to abortion public awareness program and the moneys expended under this section shall not be used to perform or induce, assist in the performing or inducing of or refer for abortions. Moneys expended under this section shall not be granted to organizations or affiliates of organizations that perform or induce, assist in the performing or inducing of or refer for abortions.

Senator Loudon moved that the above substitute amendment be adopted, which motion prevailed.

Senator Bray offered SA 4:

SENATE AMENDMENT NO. 4 Amend Senate Committee Substitute for House Bill No. 100, Page 2, Section 197.200, Line 23, by inserting after all of said line the following:

“301.3135. 1. Any person may receive special license plates with words and an emblem that denotes support for choice, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund. Such license plates shall be called “Freedom=Choice”.

2. Freedom=choice license plates shall bear the words “Freedom=Choice” in place of the words “SHOW-ME STATE” and shall bear the image of two human figures holding hands. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri freedom=choice support fund. Upon the receipt of such contribution, payment of a fifteen dollar fee in addition to the regular registration fees, payment of the regular registration fees, and presentation of other documents that may be required by law, the director of revenue shall issue freedom=choice license plates to the vehicle owner.

4. There shall be no limit on the number of sets of freedom=choice license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of freedom=choice license plates.

5. A vehicle owner who was previously issued freedom=choice license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri freedom=choice support fund at a subsequent time of registration shall be issued new plates that are not freedom=choice license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of freedom=choice license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri freedom=choice support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri freedom=choice support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

8. There is hereby established in the state treasury the “Missouri Freedom=Choice Support Fund”. The state treasurer shall credit to and deposit in such fund:

(1) Moneys that may be required by law to be credited to or deposited in such fund;

(2) Moneys that may be appropriated to it by the general assembly;

(3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards, or from federal, state, or local sources; and

(4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri freedom=choice support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri freedom=choice support fund shall not revert to the credit of general revenue at the end of the biennium.

11. Moneys credited to and deposited in the Missouri freedom=choice support fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

12. Until the amount in the Missouri freedom=choice support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

13. The Missouri freedom=choice support fund shall be used to provide and promote family planning services by grants to, or contracts with, providers of family planning services in this state. The general assembly shall appropriate moneys from the freedom=choice support fund to providers of family planning services and pursuant to the provisions of this act. None of these funds appropriated herein may be used for abortion or counseling for abortion.

14. As used in this section, "family planning services" shall include, but not be limited to, the following services: breast exams for the early detection of breast cancer, Pap test for the detection of cervical cancer, gynecologic exams, testing and treatment of sexually transmitted infections, health screenings for high blood pressure and diabetes, pregnancy testing, nondirective pregnancy counseling, domestic violence and sexual abuse education, counseling and referral for mental health and substance abuse, contraceptive counseling and client-appropriate birth control methods, infertility management, and preconception counseling."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Wilson offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases;

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and

role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566, RSMo, pertaining to statutory rape.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards, consistent with the provisions of section 167.611, RSMo.

3. A school district which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district shall notify the parent or legal guardian of each student enrolled in the district of:

(1) The basic content of the district's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's human sexuality instruction.

6. A school district shall make all curriculum materials used in the district's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, prior to the use of such materials in actual instruction.

7. If any individual believes that the local school district is not complying with this section, such individual may request in writing to the state auditor that the local school district's curriculum on human sexuality be audited. If the state auditor finds that the local school district has violated this section, the audit finding shall be forwarded to the attorney general. If the attorney general agrees with the auditor's findings, the attorney general shall advise such school district that both the state auditor and attorney general have determined that the school district is not in compliance with the requirements of this section. Any school district which does not correct the deficiencies in its human sexuality curriculum to the satisfaction of both the state auditor and the attorney general in a timely matter shall be considered as having a negative result for purposes of meeting the objectives of any school improvement plan of the district.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 5** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Wheeler offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6Amend Senate Committee Substitute for House Bill No. 100, Page 1, Section 188.080, Line 8, by striking all of said line; and further amend line 9 by striking the words “performed or induced”.

Senator Wheeler moved that the above amendment be adopted, which motion failed.

President Kinder assumed the Chair.

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7Amend Senate Committee Substitute for House Bill No. 100, Pages 1-2, Section 197.200, Lines 5-7, by striking all of the bold-faced language from said lines.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Loudon, **HB 100**, with **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

Photographers from KQTV were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Peter W. Goode, as a member of the Second State Capitol Commission;

Also,
Michael L. Nichols, O.D., as a member of the State Board of Optometry;
Also,
Dale H. Roberts, as State Supervisor of the Division of Alcohol and Tobacco Control;
Also,
Mary R. Cottom, as Executive Director of the Missouri Women's Council;
Also,
James D. Bollinger and Aaron L. Aitch, as members of the Missouri Fire Safety Advisory Board;
Also,
Jay B. Knudtson and Claudette M. Scott, as members of the Missouri Community Service Commission;
Also,
Joncee L. Nodler, as a member of the Public School Retirement System of Missouri Board of Trustees;
Also,
K' Alice Breinig, R.N., as a member of the Missouri State Board of Nursing;
Also,
Trish E. Vincent, as a member of the Multi-State Tax Commission;
Also,
Debra L. Cochran, as a member of the State Board of Senior Services;
Also,
Chaim H. Zimbalist, as Secretary and a member, John J. Diehl, Jr., as Chairman and a member, of the Board of Election Commissioners for Saint Louis County;
Also,
Carolyn S. Pinegar, as a member of the Southwest Missouri State University Board of Governors;
Also,
Cynthia G. Thompson, as a member and Joseph D. Serrano, as Secretary and a member of the Kansas City Board of Election Commissioners;
Also,
Miller M. Leonard, as a member of the Public Defender Commission;
Also,
Hugh Scott, III, as a member of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;
Also,
Bruce V. Work, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;
Also,
Thomas J. Held, as a member of the Citizen's Advisory Commission for Marketing Missouri Agricultural Products;
Also,
Randall N. Angst, as a member of the Small Business Regulatory Fairness Board;
Also,
Kevin L. Rosenbohm, as a member of the Air Conservation Commission;
Also,
Ryan P. Doyle, as a member of the Environmental Improvement and Energy Resources Authority;
Also,
Gary L. Mallory, as a member of the Kansas City Area Transportation Authority;
Also,
Robert W. Mitchell, as a member of the Safe Drinking Water Commission;
Also,
Lawrence B. Giesing and William J. Humpfer, as members of the Credit Union Commission;
Also,

Charles L. Ray, as a member of the State Lottery Commission;
Also,
Toni R. Smith, D.O., as a member of the Advisory Commission for Anesthesiologist Assistants;
Also,
Edward R. Martin, Jr., as Chairperson and member, Clarence E. Dula and Angeletta M. McCormick Franks, as members of the Board of Election Commissioners for Saint Louis City;
Also,
Annette E. Slack, J.D., R.N., as a member of the State Board of Health;
Also,
Anita K. Parran, as a member of the State Board of Pharmacy;
Also,
Phillip B. Sayer, as a member of the Missouri Fire Education Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

May 11, 2005

To the Senate of the 93rd General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments made by me and submitted to you for your advice and consent:

Sharad P. Parikh, M.D., 11634 West Florissant Avenue, Florissant, Saint Louis County, Missouri 63033, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Jacquelyn Garrett, term expired.

Derrick S. Standley, Republican, 5776 Bluebird Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2008, and until his successor is duly appointed and qualified; Rusty Brown, term expired.

Paul R. Schmidt, Sr., Republican, 2013 Treybrook Court, Imperial, Jefferson County, Missouri 63052, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, Robert Saunders, term expired.

Sam B. Cook, Democrat, 7 Upper Ladue Road, Ladue, Saint Louis County Missouri 63124, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2006, and until his successor is duly appointed and qualified; vice, Michael Shanahan, resigned.

Randy L. Cole, 7519 Twin Lake Drive, Jefferson City, Cole County, Missouri 65101, as the Missouri State Fire Marshal, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, William Farr, resigned.

Florine Penrod, 1066 Autumn Oaks Drive, Imperial, Jefferson County, Missouri 63052, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, Roger Folk, term expired.

H. John Visser, D.P.M., Democrat, 1028 Arlington Oaks Terrace, Town and Country, Saint Louis County, Missouri 63017, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2008 and until his successor is duly appointed and qualified; vice, Tracy Reed, withdrawn.

Richard H. Strecker, 2204 Julie Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Richard H. Strecker, withdrawn.

Shelly R. Shetley, 310 Northeast 94th Street, Apartment 118, Kansas City, Jackson County, Missouri 64155, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Shelly R. Shetley, withdrawn.

Donayle E. Whitmore-Smith, Democrat, 4638 Lewis Place, Saint Louis City, Missouri 63113, as Secretary and member of the Board of Election Commissioners for Saint Louis City, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, Michael Lueken, term expired.

Respectfully submitted,
MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 10, 2005

To the Senate of the 93rd General Assembly of the State of Missouri:

The following addendum should be made to the appointment of Nicole Cozean to the Missouri Board of Occupational Therapy, submitted on April 29, 2005. Line 4 should be amended as follows:

“and qualified; vice, Judy Phillips, term expired.”

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons referred the above addendum to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **SB 390**, as amended. Representatives: Pratt, Kraus, Wright (159), Whorton and Daus.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 401**, entitled:

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 238**, entitled:

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to local sales tax to provide community services for children.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 450**, entitled:

An Act to authorize the sale of certain state property, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 422**, entitled:

An Act to repeal section 610.123, RSMo, and section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840, & 843, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 423**, entitled:

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 372**, entitled:

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 2**, entitled:

An Act to repeal sections 188.015 and 188.075, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

With House Amendments 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 1, Section A, Line 3, by inserting after said line the following:

“33.900. 1. As used in this section, the following terms shall mean:

(1) “Abortion services”, include performing, inducing, or assisting with abortions as defined in section 188.015, RSMo, or encouraging patients to have abortions, or referring patients for abortions, not necessary to save the life of the mother, or development or dispensing of drugs, chemicals, or devices intended to be used to induce an abortion;

(2) “Health and social services program”, any activity, program, or the furnishing of services for the purpose of preventing, supporting, alleviating, ameliorating, treating, curing, or healing any human condition, illness, injury, or disability, or to safeguard the health of people and ensure the prevention of any type of disease, infection, or injury, the promotion of specific lifestyle, hygiene, and sanitary conditions, or to assist persons to provide for themselves and others and to assist those experiencing any social or physical condition or disadvantage, and including the furnishing of any sort of physical, health, medical, or dental assessment, care, counseling, education, or treatment, whether to individuals or groups of individuals; except that, health and social services programs shall not include a research project subject to the provisions of section 196.1127, RSMo;

(3) “Independent affiliate”, an entity that provides abortion services that is affiliated with an entity that does not provide abortion services, is separately incorporated from the entity that does not provide abortion services, does not receive or share a direct or indirect economic or marketing benefit from such affiliation with the entity that does not provide abortion services, and does not share any of the following with the entity that does not provide abortion services, regardless of whether reimbursement is made for any expenditures associated with sharing the following:

(a) The same name or similar names;

(b) Medical or nonmedical facilities, including but not limited to business offices, laboratories, treatment, consultation, examination, and waiting rooms;

(c) Expenses;

(d) Employee wages or salaries; or

(e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment, and office and medical supplies;

(4) “Nondirective pregnancy counseling”, counseling related to pregnancy that does not include abortion

services, but may include providing patients with information regarding providers of health care and social service programs, or otherwise providing information required by federal law;

(5) “Public funds”, shall include:

(a) Any funds received or controlled by the state of Missouri or any official, department, division, agency, or political subdivision thereof, including but not limited to funds derived from federal, state, or local taxes, gifts or grants from any source, settlements of any claims or causes of action, public or private, bond proceeds, federal grants or payments, or intergovernmental transfers;

(b) Any funds received or controlled by any official, department, division, or agency of state government or political subdivision thereof, or granted or distributed to any other person or entity, pursuant to appropriation by the general assembly or the governing body of any political subdivision of this state.

2. Public funds shall not be expended, paid, or granted to or on behalf of an existing or proposed health and social services program to directly or indirectly subsidize abortion services. To ensure that support is not lent in any manner to abortion services, and to ensure that an entity that provides abortion services does not receive a direct or indirect economic or marketing benefit from public funds expended in connection with any health and social services program:

(1) Public funds shall not be expended, paid, or granted in connection with any health and social services program to an entity that provides abortion services;

(2) An entity that does not provide abortion services may receive public funds in connection with any health and social services program if affiliated with an entity that provides abortion services, only if the affiliated entity that provides abortion services is an independent affiliate;

(3) An entity that provides counseling to pregnant persons in connection with a health and social services program receiving public funds shall only provide nondirective pregnancy counseling unless otherwise required pursuant to subsection 3 of this section;

(4) An entity that receives public funds in connection with any health and social services program shall not display or distribute marketing materials promoting abortion services;

(5) An entity that receives public funds in connection with any health and social services program shall maintain financial records that demonstrate strict compliance with this subsection;

(6) An independent audit of any entity that receives public funds in connection with any health and social services program shall be conducted at least once every three years, or sooner if required by any other provision of law or if directed by the governmental entity expending, paying, or granting the public funds, to ensure compliance with this subsection. If the recipient of the public funds is an affiliate of an entity that provides abortion services, an independent audit to ensure compliance with this subsection shall be conducted at least annually. The audit shall be conducted by:

(a) The state auditor; or

(b) An independent auditing firm retained by the governmental entity expending, paying, or granting the public funds; or

(c) An independent auditing firm approved by the governmental entity expending, paying, or granting the public funds and retained by the entity receiving public funds.

3. Notwithstanding the provisions of subsection 2 of this section, any entity:

(1) Eligible to receive reimbursements pursuant to Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) may be reimbursed for services it has performed, for which the payment to such entity is otherwise prohibited pursuant to subsection 2 of this section, if reimbursement for such services is required pursuant to the federal act and the refusal to reimburse for such required services will result in the withholding of federal Medicaid funds to the state of Missouri. No state Medicaid plan shall be adopted by the state or submitted to the federal government that includes services that violate the provisions of subsection 2 of this section and are not mandated for state Medicaid plans by the federal Medicaid law, Title XIX of the Social Security Act, as amended;

(2) Receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required pursuant to the federal act, but otherwise prohibited pursuant to subsection 2 of this section if:

- (a) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the organization; and
- (b) Such order is final and no longer subject to appeal; and
- (c) The refusal to perform such required services will result in the withholding of federal funds to said organization.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 1, Section A, Line 3, by inserting after said line the following:

“135.630. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "Pregnancy resource center", a nonresidential facility located in this state:
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
 - (b) Where childbirths are not performed; and
 - (c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and
 - (d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and
 - (e) Which provides its services at no cost to its clients; and
 - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code;
- (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;
- (5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center

whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall apply to all tax years ending on or after December 31, 2008.

135.631. Taxpayers shall only be permitted to redeem tax credits they can claim under section 135.630 if the director of revenue has reallocated other state tax credits to section 135.630. The director shall reallocate such other state tax credits if by law they were limited to a maximum amount during a specified time period and such amount has not been fully redeemed or is not reasonably expected to be fully redeemed.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 1, Section A, Line 3, by inserting after all of said line the following:

“170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) [Present] **Inform** students [with the latest] **that** medically [factual] **and personally relevant** information regarding [both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases] **contraception, abortion, and pregnancy may be available from their previously designated family practitioner under section 167.611, RSMo;**

(4) Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;

(5) Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

(6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566, RSMo, pertaining to statutory rape.

2. Policies concerning referrals and parental notification regarding contraception shall be determined by local school boards, consistent with the provisions of section 167.611, RSMo.

3. A school district which provides human sexuality instruction may separate students according to gender for instructional purposes.

4. The board of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with subsections 1 to 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students receiving such instruction.

5. A school district shall notify the parent or legal guardian of each student enrolled in the district of:

(1) The basic content of the district's human sexuality instruction to be provided to the student; and

(2) The parent's right to remove the student from any part of the district's human sexuality instruction.

6. A school district shall make all curriculum materials used in the district's human sexuality instruction available for public inspection pursuant to chapter 610, RSMo, as well as **provide the names of the instructors and the instructors' affiliations to any organizations involved with human sexuality instruction, at least one week prior to the use of such materials in actual instruction or presentations by such instructors.**

7. No school district shall permit an entity to offer, sponsor, or furnish in any manner any course materials or instruction relating to human sexuality or sexually transmitted diseases to its students if the entity provides abortion services, as defined in section 33.900, RSMo.

8. An entity that does not provide abortion services that is affiliated with an entity that provides abortion services may be permitted to offer, sponsor, or furnish course materials or instruction relating to human sexuality or sexually transmitted diseases, but only if the affiliated entity that provides abortion services is an independent affiliate, as defined in section 33.900, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 2, Section 188.015, Line 24, by inserting after all of said line the following:

“188.025. [Every] **No** abortion [performed at sixteen weeks gestational age or later] shall be performed **or induced except in a physician's office, outpatient clinic, ambulatory surgical center licensed pursuant to chapter 197, RSMo, or hospital licensed pursuant to chapter 197, RSMo.”; and**

Further amend said bill, Page 2, Section 188.075, Line 10, by inserting after all of said line the following:

“188.080. [Notwithstanding any other penalty provision in this chapter,] Any person who is not a [licensed] physician [as defined in section 188.015] who performs **or induces** or attempts to perform **or induce** an abortion on another [as defined in subdivision (1) of section 188.015,] is guilty of a class B felony, and, upon conviction, shall be punished as provided by law. Any physician performing **or inducing** an abortion who does not have [surgical] **clinical** privileges at a hospital which offers obstetrical or gynecological care **located within thirty miles of the location at which the abortion is performed or induced** shall be guilty of a class [B felony] **A misdemeanor**, and, upon conviction shall be punished as provided by law.”; and

Further amend said bill, Page 3, Section 188.250, Line 23, by inserting after all of said line the following:

“197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) “Ambulatory surgical center”, any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths **or any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month**, and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

(2) “Dentist”, any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

(3) “Department”, the department of health and senior services;

(4) “Governmental unit”, any city, county or other political subdivision of this state, or any department, division,

board or other agency of any political subdivision of this state;

(5) “Person”, any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) “Physician”, any person currently licensed to practice medicine pursuant to chapter 334, RSMo;

(7) “Podiatrist”, any person currently licensed to practice podiatry pursuant to chapter 330, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 287**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 287**.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 500**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 500

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, with House Amendments Nos. 1, 2, & 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 500;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 500, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael R. Gibbons

/s/ Norma Champion

/s/ Delbert Scott

/s/ Rita Heard Days

/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Brad Lager

/s/ Brad Roark

/s/ Scott Rupp

/s/ Margaret Donnelly

/s/ John L. Bowman, Sr.

Senator Gibbons moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gibbons, **CCS** for **HCS** for **SCS** for **SB 500**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 500

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof ten new sections relating to family cost participation in the Missouri Part C early intervention system, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler—31	

NAYS—Senators—None

Absent—Senators

Green	Koster	Wilson—3
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Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HB 100**, with **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 7 was again taken up.

Senator Ridgeway assumed the Chair.

At the request of Senator Loudon, **HB 100**, with **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **Senate Substitute** as amended for **HCS HB 334** and request the Senate to recede from its position and take up and pass **HCS HB 334**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 420** and **344**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 297** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 420** and **344**, as amended: Senators Mayer, Koster, Crowell, Callahan and Days.

PRIVILEGED MOTIONS

Senator Loudon moved that **SS** for **SCS** for **SB 2**, with **HCS**, as amended, be again taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 2**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2

An Act to repeal sections 188.015 and 188.075, RSMo, and to enact in lieu thereof four new sections relating to abortion, with penalty provisions.

Was taken up.

President Kinder assumed the Chair.

Senator Loudon moved that **HCS** for **SS** for **SCS** for **SB 2**, as amended, be adopted.

At the request of Senator Loudon, the above motion was withdrawn.

Senator Ridgeway assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS No. 2** for **SB 155** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 155

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155;

2. That the Senate recede from its position on Senate Committee Substitute No. 2 for Senate Bill No. 155;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 155, be Third Read and Finally Passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Robert N. Mayer	/s/ Gayle Kingery
/s/ Gary Nodler	/s/ Bryan T. Pratt
/s/ Kevin Engler	/s/ Therese Sander
/s/ Rita Heard Days	/s/ Margaret Donnelly
/s/ Maida J. Coleman	/s/ Rick Johnson

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Mayer, **CCS** for **HCS** for **SCS No. 2** for **SB 155**, entitled:
 CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE NO. 2 FOR
 SENATE BILL NO. 155

An Act to repeal sections 210.117, 210.152, 210.710, 210.720, and 211.038, RSMo, and to enact in lieu thereof five sections relating to reporting of child abuse and neglect.
 Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 210**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, with House Amendment Nos. 1, 4, House Amendment No. 5 as amended, House Amendment Nos. 6, 7, 8, 9, House Amendment No. 10 as amended, House Amendments 11, 12, House Amendment No. 13 as amended, House Amendment Nos. 14, 15, 16, House Amendment No. 17 as amended, House Amendment No. 18 as amended, House Amendment Nos. 19, 20, 21, 22, 23, 24, 25, 26, House Substitute Amendment No. 1 for House Amendment No. 27, House Amendment Nos. 28, 29, and 30, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 210;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 210, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Griesheimer /s/ Robert Johnson

/s/ Larry Gene Taylor Vicki Schneider

/s/ Jason Crowell /s/ Todd Smith

/s/ Yvonne S. Wilson /s/ Wes Wagner

Harry Kennedy /s/ Trent Skaggs

Senator Griesheimer moved that the above conference committee report be adopted.

At the request of Senator Griesheimer, the above motion was withdrawn.

Senator Griesheimer moved that the Senate refuse to adopt the conference committee report on **HCS** for **SS** for **SCS** for **SB 210**, as amended, and request the House to grant further conference; and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Griesheimer requested unanimous consent of the Senate to allow the conferees on **HCS** for **SS** for **SCS** for **SB 210**, as amended, to meet while the Senate is in session, which request was denied.

Senator Stouffer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 233**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 233

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233;

2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 233;

3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Bill Stouffer

/s/ Jon Dolan

/s/ Chris Koster

/s/ Frank A. Barnitz

/s/ Victor E. Callahan

FOR THE HOUSE:

/s/ Bob Nance

/s/ Rex Rector

/s/ Neal St. Onge

/s/ Joe Aull

/s/ Terry Swinger

Senator Stouffer moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter

Barnitz

Bartle

Bray

Callahan	Cauthorn	Champion	Clemens
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Coleman Crowell—2

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Stouffer, **CCS No. 2** for **HCS** for **SCS** for **SB 233**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 233

An Act to amend chapter 227, RSMo, by adding thereto nine new sections relating to the designation of highways and bridges.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HCS No. 2** for **HB 568**, as amended. Representatives: Stevenson, Flook, Goodman, Meiners and Oxford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 420** and **344**, as amended. Representatives: Byrd, Pratt, Stevenson, Johnson (61), and Johnson (90).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 262**, as amended, entitled:

An Act to repeal sections 311.070, 311.080, 311.082, 311.332, 311.485, and 311.615, RSMo, and to enact in lieu thereof seven new sections relating to Missouri wine, with penalty provisions.

With House Amendment 1, House Amendment 1 to House Amendment 2, House Amendment 2 as amended, House Amendments 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.332, Page 12, Line 40 by inserting after all of said line the following:

“5. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in the original package to a charitable or religious organization as defined in section 313.005, RSMo, or educational institution for the sole purpose of being auctioned by the organization or institution for fund-raising purposes, provided the auction takes place on a retail-licensed premises and all proceeds from the sale go into a fund of an organization or institution that is unrelated to any licensed retail operation.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.101, Page 1, Line 18 by inserting after the word **“intact.”** on said line the following:

“3. Notwithstanding any other provision of law, it shall be lawful for the owner, operator, or employees of a winery to allow patrons to carry out one or more bottles of unfinished wine and it shall be lawful for patrons of such winery to carry out one or more bottles of unfinished wine under the following conditions:

(1) The bottle or bottles of wine must have been at least partially consumed at the winery;

(2) The winery must provide a dated receipt for the unfinished bottle or bottles of wine; and

(3) The winery must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamper-proof, transparent bags and securely seal the bags.

4. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a winery under the circumstances described under subsection 3 of this section, shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the winery and the bottle or bottles of wine remain in the winery furnished, one-time-use, tamper-proof, transparent bags with the seals intact.

5. As used in this section “winery” means any establishment at which wine is made.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.082, Page 10, Line 42 by inserting after all of said line the following:

“311.101. 1. Notwithstanding any other provision of law, it shall not be unlawful for the owner, operator, or employees of a restaurant bar, as defined in section 311.097, to allow patrons to carry out one or more bottles of unfinished wine, nor shall it be unlawful for patrons of such restaurant bar to carry out one or more bottles of unfinished wine under the following conditions:

1. (1) The patron must have ordered a meal;

(2) The bottle or bottles of wine must have been at least partially consumed during the meal;

(3) The restaurant bar must provide a dated receipt for the unfinished bottle or bottles of wine; and

(4) The restaurant bar must securely reseal the bottle or bottles of wine and place them in one or more one-time-use, tamper-proof, transparent bags and securely seal the bags.

2. Notwithstanding any other provision of law, no person who transports one or more bottles of unfinished wine which came from a restaurant bar under the circumstances described in subsection 1 of this section, in a vehicle, shall be considered to have violated any state law or local ordinance regarding open containers in vehicles so long as such person has in his or her possession the dated receipt from the restaurant bar and the bottle or bottles of wine remain in the restaurant bar furnished, one-time-use, tamper-proof, transparent bags with the seals intact.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Page 11, Section 311.104, Line 18, by inserting after all of said line the following:

“311.191. 1. As used herein, the term “vintage wine” means bottled domestic white, rose or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling or port wine which is not less than three years old.

2. Notwithstanding any other provisions of this chapter, any **municipality** or person legally owning, controlling or possessing a private collection of vintage wines in their original packages, including an executor, administrator, personal representative, guardian or conservator of an estate, sheriff, trustee in bankruptcy, or person appointed or authorized by a court to act upon or execute a court order or writ of execution with regard to the disposition of that vintage wine, is authorized to sell that vintage wine at auction on consignment through an auctioneer licensed herein. The auctioneer involved in such sale shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection.

3. The supervisor of liquor control is hereby authorized to issue a license to conduct auctions of vintage wine to any person licensed as an auctioneer pursuant to chapter 343, RSMo, and regularly conducting business as an auctioneer at a fixed location in this state within a city in a county of the first classification with a charter form of government; provided, however, that no such license to auction vintage wine may be issued to any person, or any entity controlled in whole or in part by a person, who:

(1) Has been convicted of a felony or of any offense under this chapter;

(2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or previously possessed such a license which was revoked for cause; or

(3) Has not been continuously in business in this state as an auctioneer for a period of ten years prior to making application for such license to auction vintage wine. The license to auction vintage wine shall be in addition to any license or permit requirements imposed by ordinance within the county or municipal jurisdictions in which the auctioneer conducts such business.

4. No auction of vintage wine may be conducted off the business premises of the auctioneer. No vintage wine sold at auction shall be consumed on the premises of the auctioneer, nor shall any original package of vintage wine be opened on such premises in the course of any such auction, except as provided herein. A license to conduct auctions of vintage wine shall be issued for a period of one year and shall authorize the auctioneer to conduct not more than six auctions of vintage wine during such year. The license shall be issued in such form and upon the completion of such application as may be required by the supervisor of liquor control. The fee for such license shall be five hundred dollars per year.

5. A **municipality or** person legally owning, controlling or possessing a private collection of vintage wines in their original packages may ship the vintage wine in such packages from any location within the state of Missouri to an auctioneer licensed pursuant to this act. Upon receipt of the vintage wine the auctioneer shall be responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the delivery of the vintage wine to the purchasers at auction, and for the payment and transfer of any applicable state and local taxes in connection with the auction sale.

6. An auctioneer licensed to sell vintage wine pursuant to this section may hold vintage wine tastings on the premises where an auction of such vintage wine is to be conducted within the period of twenty-four hours immediately preceding the commencement of the auction.

7. An auctioneer licensed pursuant to this section shall be subject to all restrictions, regulations and provisions of this chapter governing the acquisition, storage and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the provisions of this section.

8. An auctioneer who affixes a label to any bottle of vintage wine, as provided in subsection 2 of this section, without having determined through the exercise of reasonable diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to cancellation of the license issued pursuant to subsection 3 of this section.

311.193. 1. As used in this section, the term “vintage wine” means bottled domestic white, rose, or sparkling wine which is not less than five years old, domestic red wine which is not less than ten years old, or imported white, rose, red, sparkling, or port wine which is not less than three years old.

2. Notwithstanding any other provisions of this chapter, any municipality legally owning, controlling or possessing a private collection of vintage wines in their original packages, is authorized to sell such vintage wine through a sealed bid process. The municipality may set a minimum bid and may reserve the right to reject all bids. The municipality shall designate a municipal employee to sell vintage wine through a sealed bid process who shall ensure that each bottle of vintage wine sold from a private collection has a permanently fixed label stating that the bottle was acquired from a private collection.

3. The supervisor of liquor control is hereby authorized to issue a license to a designated municipal employee provided that no such license to sell vintage wine through a sealed bid process may be issued to any person, who:

(1) Has been convicted of a felony or of any offense under this chapter;

(2) Either possesses a current license to sell intoxicating liquor at wholesale or retail, or previously possessed such a license which was revoked for cause.

4. The license to sell vintage wine through a sealed bid process shall be in addition to any license or permit requirements imposed by ordinance within the county or municipality.

5. No vintage wine sold through the sealed bid process shall be consumed on the premises of the municipality, nor shall any original package of vintage wine be opened on such premises, except as provided herein. A license to sell vintage wine through a sealed bid process shall be issued for a period of one year and shall authorize the designated municipal employee to sell such wine not more than six different times during that year. The license shall be issued in such form and upon completion of such application as may be required by the supervisor of liquor control. The fee for such license shall be fifty dollars per year which shall be paid by

the municipality.

6. The municipality legally owning, controlling, or possessing a private collection of vintage wines in their original packages may ship the vintage wine in such packages from any location within the state of Missouri to the designated municipal employee licensed pursuant to this section. Upon receipt of the vintage wine the designated municipal employee shall be responsible for the storage and warehousing thereof, for the labeling thereof pursuant to the requirements of subsection 2 of this section, for the delivery of the vintage wine to the purchasers, and for the payment and transfer of any applicable state and local taxes in connection with the sale.

7. The designated municipal employee licensed to sell vintage wine pursuant to this section may hold vintage wine tastings on the premises where the vintage wine is stored within the period of twenty-four hours immediately preceding the first date on which sealed bids will be accepted.

8. The designated municipal employee licensed pursuant to this section shall be subject to all restrictions, regulations, and provisions of this chapter governing the acquisition, storage, and sale of intoxicating liquor for off-premises consumption which are not inconsistent with the provisions of this section.

9. A municipal employee designated by the municipality to sell vintage wine through a sealed bid process who affixes a label to any bottle of wine, as provided in subsection 2 of this section, without having determined through the exercise of reasonable diligence that the wine was acquired from a bona fide private collection, shall be guilty of a class C misdemeanor and, upon a finding of or plea of guilty with regard to any such misdemeanor, shall be subject to a cancellation of the license issued pursuant to subsection 3 of this section.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Page 10, Section 311.082, Line 42, by inserting after all of said line the following:

"311.086. 1. As used in this section, the following terms mean:

(1) "Common area", any area designated as a common area in a development plan for the entertainment district approved by the governing body of the city, any area of a public right-of-way that is adjacent to or within the entertainment district when it is closed to vehicular traffic and any other area identified in the development plan where a physical barrier precludes motor vehicle traffic and limits pedestrian accessibility;

(2) "Entertainment district", any area located in a home rule city with more than four hundred thousand inhabitants and located in more than one county with a population of at least four thousand inhabitants that is located in the city's central business district which is the historic core locally known as the city's downtown area, that contains a combination of entertainment venues, bars, nightclubs, and restaurants, and that is designated a redevelopment area by the governing body of the city under the Missouri downtown and rural economic stimulus act, sections 99.915 to 99.1060, RSMo;

(3) "Portable bar", any bar, table kiosk, cart, or stand that is not a permanent fixture and can be moved from place to place;

(4) "Promotional association", an association incorporated in the State of Missouri which is organized or authorized by one or more property owners located within the entertainment district who own or otherwise control not less than one hundred thousand square feet of premises designed, constructed, and available for lease for bars, nightclubs, restaurants, and other entertainment venues for the purpose of organizing and promoting activities within the entertainment district. For purposes of determining ownership or control as set forth in this subdivision, the square footage of premises used for residential, office, or retail uses, (other than bars, nightclubs, restaurants, and other entertainment venues), parking facilities, and hotels within the entertainment district shall not be used in the calculation of square footage.

2. Notwithstanding any other provision of this chapter to the contrary, any person acting on behalf of or designated by a promotional association who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter, may apply for and the supervisor of alcohol and tobacco control may issue an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption dispensed from one or more portable bars within the common areas of the entertainment district until 3:00 a.m. on Mondays through Saturdays and from 9:00 a.m. until 12 midnight on

Sundays.

3. An applicant granted an entertainment district special license under this section shall pay a license fee of three hundred dollars per year.

4. Notwithstanding any other provision of this chapter to the contrary, on such days and at such times designated by the promotional association, in its sole discretion, provided such times are during the hours a license is allowed under this chapter to sell alcoholic beverages, the promotional association may allow persons to leave licensed establishments located in portions of the entertainment district designated by the promotional association with an alcoholic beverage and enter upon and consume the alcoholic beverage within other licensed establishments and common areas located in portions of the entertainment district designated by the promotional association. No person shall take any alcoholic beverages outside the boundaries of the entertainment district or portions of the entertainment district as designated by the promotional association, in its sole discretion. At times when a person is allowed to consume alcoholic beverages dispensed from portable bars and in common areas of all or any portion of the entertainment district designated by the promotional association, the promotional association shall insure that minors can be easily distinguished from persons of legal age buying alcoholic beverages.

5. Every licensee within the entertainment district shall serve alcoholic beverages in containers that contain the licensee's trade name or logo or some other mark that is unique to that license.

6. The holder of an entertainment district special license is solely responsible for alcohol violations occurring at its portable bar and in any common area."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 262, Section 311.080, Page 8, Line 7 by inserting at the end of said line the following:

"Such consent shall not be granted until at least ten days' written notice has been provided to all owners of property within one hundred feet of the proposed licensed premises."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended for **HCS** for **HB 209** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 209**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 462**, entitled:

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to receivership of certain sewer and water corporations, with an emergency clause.

With House Amendments 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 462, Page 8, Section 393.146, Line 181, by inserting after all of said line the following:

"432.070. No county, city, town, village, school township, school district or other municipal corporation shall make any contract, unless the same shall be within the scope of its powers or be expressly authorized by law, nor unless such contract be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made, and shall be subscribed by the parties thereto, or their agents authorized by law and duly appointed and authorized in writing. Notwithstanding the foregoing, any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants which after January 1, 2003, has committed or agreed in writing to provide sewer service or has in fact directly or indirectly provided such service to any homes within a subdivision shall give its customers two years prior written notice of its intent to discontinue service and during

such two-year period shall continue to connect and provide sanitary sewer service to all homes constructed in such subdivision. In no event shall any sewer service connected prior to the expiration of such two-year period be discontinued.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 462, Page 1, Section A, Line 2 by inserting after said line the following:

“8.255. 1. The director may authorize any agency of the state to establish standing contracts for the purpose of accomplishing construction, renovation, maintenance and repair projects not exceeding [twenty-five] **one hundred** thousand dollars. Such contracts shall be advertised and bid in the same manner as contracts for work which exceeds [twenty-five] **one hundred** thousand dollars, except that each contract shall allow for multiple projects, the cost of each of which does not exceed [twenty-five] **one hundred** thousand dollars. Each contract shall be of a stated duration and shall have a stated maximum total expenditure.

2. The director, with full documentation, shall have the authority to authorize any agency to contract for any design or construction, renovation, maintenance, or repair work which in his judgment can best be procured directly by such agency. The director shall establish, by rule, the procedures which the agencies must follow to procure contracts for design, construction, renovation, maintenance or repair work. Each agency which procures such contracts pursuant to a delegation shall file an annual report as required by rule. The director shall provide general supervision over the process. The director may establish procedures by which such contracts are to be procured, either generally or in accordance with each authorization.

3. The director, in his sole discretion, may with full documentation approve a recommendation from a project designer that a material, product or system within a specification for construction, renovation or repair work be designated by brand, trade name or individual mark, when it is determined to be in the best interest of the state. The specification may include a preestablished price for purchase of the material, product or system where required by the director.

8.260. All appropriations made by the general assembly amounting to [twenty-five] **one hundred** thousand dollars or more for the construction, renovation, or repair of facilities shall be expended in the following manner:

(1) The agency requesting payment shall provide the commissioner of administration with satisfactory evidence that a bona fide contract, procured in accordance with all applicable procedures, exists for the work for which payment is requested;

(2) All requests for payment shall be approved by the architect or engineer registered to practice in the state of Missouri who designed the project or who has been assigned to oversee it;

(3) In order to guarantee completion of the contract, the agency or officer shall retain a portion of the contract value in accordance with the provisions of section 34.057, RSMo;

(4) A contractor may be paid for materials delivered to the site or to a storage facility approved by the director of the division of design and construction as having adequate safeguards against loss, theft or conversion.

In no case shall the amount contracted for exceed the amount appropriated by the general assembly for the purpose.

8.270. If the amount appropriated is less than [twenty-five] **one hundred** thousand dollars for constructing, renovating or for repairing, or for both building and repairing, no warrant shall be drawn on the state treasury payable out of the appropriation for any part thereof, until satisfactory evidence is furnished to the commissioner of administration that the work has been completed according to the contract, and not in excess of the amount appropriated therefor.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 462, Page 6, Section 393.146.1(1), Line 1, by inserting at the end of said line the following:

“and shall not include a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution, sewer districts established under the provisions of chapters 204, 249 or 250, RSMo, public water supply districts established under the provisions of chapter 247, RSMo, or municipalities that own and operate water or sewer systems;”

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 343**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 343**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 678**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 678**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 177** and has taken up and passed **CCS** for **HCS** for **SB 177**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Kennedy moved that **SB 401**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 401**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 401

An Act to repeal sections 86.260, 86.280, 86.283, and 86.287, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

Was taken up.

Senator Wilson requested that she be excused from voting under the provisions of SR 91, which request was granted.

Senator Kennedy moved that **HCS** for **SB 401** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

Excused from voting—Senator Wilson—1

On motion of Senator Kennedy, **HCS** for **SB 401** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler—32

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

Excused from voting—Senator
Wilson—1

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 297** and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that **HCS** for **SCS** for **SB 238** be taken up for 3rd reading and final passage, which motion prevailed.

President Kinder assumed the Chair.

HCS for **SCS** for **SB 238**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 238

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to local sales tax to provide community services for children.

Was taken up.

Senator Gross moved that **HCS** for **SCS** for **SB 238** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gross, **HCS** for **SCS** for **SB 238** was read the 3rd time and passed by the following vote:

YEAS—
Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—
Senators—
None

Absent—
Senators

Barnitz Coleman—2

Absent with
leave—
Senators—
None

Vacancies—
None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 297**: Senators Nodler, Gibbons, Clemens, Coleman and Wilson.

PRIVILEGED MOTIONS

Senator Dolan moved that **HCS** for **SCS** for **SB 450** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 450**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 450

An Act to authorize the sale of certain state property, with an emergency clause.

Was taken up.

Senator Dolan moved that **HCS** for **SCS** for **SB 450** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators

Barnitz

Coleman

Graham—3

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Dolan, **HCS** for **SCS** for **SB 450** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that **SB 422**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 422**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 422

An Act to repeal section 610.123, RSMo, and section 577.054 as enacted by house substitute for senate substitute for senate committee substitute for senate bills nos. 1233, 840, & 843, ninety-second general assembly, second regular session, and section 577.054 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof two new sections relating to expungement petitions.

Was taken up.

Senator Bartle moved that **HCS** for **SB 422** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Bartle, **HCS for SB 422** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Bartle, title to the bill was agreed to.
Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bartle moved that **SCS** for **SB 423**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 423**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 423

An Act to repeal sections 488.5050, 650.050, 650.052, and 650.055, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system, with penalty provisions.

Was taken up.

Senator Bartle moved that **HCS** for **SCS** for **SB 423** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Bartle, **HCS** for **SCS** for **SB 423** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
On motion of Senator Bartle, title to the bill was agreed to.
Senator Bartle moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.
Senator Engler moved that **SCS** for **SB 372**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.
HCS for **SCS** for **SB 372**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 372

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety.
Was taken up.
Senator Engler moved that **HCS** for **SCS** for **SB 372** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Engler, **HCS** for **SCS** for **SB 372** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Ridgeway—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Engler, title to the bill was agreed to.

Senator Engler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Taylor, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **SB 390**, with **HA 1** and **HA 3**, moved that the following conference committee report be taken up, which

motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 390

The Conference Committee appointed on Senate Committee Substitute for Senate Bill No. 390, with House Amendment No. 1 and House Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on Senate Committee Substitute for Senate Bill No. 390, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 390;
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for Senate Bill No. 390, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Larry Gene Taylor

/s/ Jon Dolan

/s/ Bill Stouffer

/s/ Victor E. Callahan

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Bryan Pratt

/s/ Will Kraus

/s/ Billy Pat Wright

/s/ Jim Whorton

/s/ Mike Daus

Senator Taylor moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Taylor, **CCS** for **SCS** for **SB 390**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 390

An Act to repeal sections 301.567 and 301.700, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle dealers.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senator Barnitz—1

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SCS** for **SB 262**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 262**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 262

An Act to repeal sections 311.070, 311.080, 311.082, 311.332, 311.485, and 311.615, RSMo, and to enact in lieu thereof seven new sections relating to Missouri wine, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 262**, as amended, be adopted.

At the request of Senator Griesheimer, the above motion was withdrawn.

Senator Klindt moved that **SS** for **SCS** for **SB 462**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 462**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 462

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to receivership of certain sewer and water corporations, with an emergency clause.

Was taken up.

Senator Klindt moved that **HCS** for **SS** for **SCS** for **SB 462**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Klindt, **HCS** for **SS** for **SCS** for **SB 462**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SCS** for **SB 262**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 262**, as amended, was taken up.

Senator Griesheimer moved that **HCS** for **SCS** for **SB 262**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators

Cauthorn	Champion	Purgason	Scott—4
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Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Griesheimer, **HCS** for **SCS** for **SB 262**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Clemens	Coleman	Crowell

Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators

Cauthorn	Champion	Purgason—3
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Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SCS for HB 678**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 678

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 678 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 678;
2. That the House recede from its position on House Bill No. 678;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 678, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Matt Bartle

/s/ Delbert Scott

/s/ Chuck Purgason

/s/ Joan Bray

FOR THE HOUSE:

/s/ Richard Byrd 94

/s/ Jack A.L. Goodman 132

/s/ Tim Flook

/s/ John Bowman

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Taylor—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Bartle, **CCS** for **SCS** for **SB 678**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 678

An Act to repeal sections 351.107, 351.180, 351.182, 351.295, and 409.2-202, RSMo, and to enact in lieu thereof five new sections relating to corporations.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 47** and has taken up and passed **SCS** for **HCS** for **HB 47**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant the Senate a further conference on **HCS SS SCS SB 210, as amended**, and request the Senate to take up and pass the **CCR HCS SS SCS SB 210, as amended**, and further that the House conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 707** and has taken up and passed **SCS** for **HB 707**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee on **SCS** for **HCS** for **HB 297**. Representatives: Pearce, Hobbs, Wilson (130), Brooks and Lampe.

Senator Koster assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer moved that the conference committee report on **HCS** for **SS** for **SCS** for **SB 210**, as amended, be taken up, which motion prevailed.

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Dolan

Engler	Gibbons	Griesheimer	Gross
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—23	

NAYS—Senators

Alter	Barnitz	Bray	Days
Dougherty	Graham	Kennedy	Klindt
Purgason	Ridgeway—10		

Absent—Senator Green—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **HCS** for **SS** for **SCS** for **SB 210**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 210

An Act to repeal sections 44.090, 50.333, 50.530, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 56.060, 56.631, 56.640, 56.650, 56.660, 59.005, 64.215, 64.940, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1754, 67.1775, 67.1850, 67.1922, 67.1934, 89.450, 94.270, 100.050, 100.059, 110.130, 110.150, 115.019, 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 140.160, 165.071, 190.010, 190.015, 190.090, 205.010, 210.860, 210.861, 233.295, 242.560, 245.205, 250.140, 263.245, 301.025, 321.120, 321.130, 321.190, 321.322, 321.603, 473.770, 473.771, 483.537, 488.426, 545.550, and 573.505, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and section 488.429, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, are repealed and to enact in lieu thereof one hundred four new sections relating to political subdivisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Dolan

Engler	Gibbons	Griesheimer	Gross
Koster	Loudon	Nodler	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—22		

NAYS—Senators

Alter	Barnitz	Bray	Days
Dougherty	Graham	Green	Kennedy
Klindt	Mayer	Purgason	Ridgeway—12

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 592, introduced by Representative Cooper (120), entitled:

An Act to repeal section 313.813, RSMo, and to enact in lieu thereof one new section relating to excursion gambling boats.

Was called from the Informal Calendar and taken up by Senator Dolan.

Senator Dolan offered **SS** for **HB 592**, entitled:

SENATE SUBSTITUTE FOR HOUSE BILL NO. 592

An Act to repeal sections 313.805, 313.812, 313.813, 313.820, 313.835, and 313.842, RSMo, and to enact in lieu thereof seven new sections relating to excursion gambling boats.

Senator Dolan moved that **SS** for **HB 592** be adopted.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 592, Page 28, Section 1, Line 13 by striking the word “one” and inserting in lieu thereof the word “**two**”.

Senator Klindt moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 592, Page 28, Section 1, Line 2 by deleting all of said section; and Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Klindt, **SA 1** was withdrawn.

At the request of Senator Dolan, **SS** for **HB 592** was withdrawn.

At the request of Senator Dolan, **HB 592** was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Koster moved that **HCR 15** be taken up for adoption, which motion prevailed.

On motion of Senator Koster, **HCR 15** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Crowell	Dougherty	Green	Klindt—4
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Absent with leave—Senators— None

Vacancies—None

HOUSE BILLS ON THIRD READING

HCS for **HB 276**, entitled:

An Act to repeal sections 162.955, 162.959, and 162.961, RSMo, and to enact in lieu thereof three new sections relating to special educational services.

Was called from the Informal Calendar and taken up by Senator Nodler.

Senator Gross assumed the Chair.

On motion of Senator Nodler, **HCS** for **HB 276** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Nodler moved that **HCS** for **HB 972**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 972** was again taken up.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 3, Section 565.024, Line 11-12, by striking the words “but less than twenty-four-hundredths of one percent”; and further amend lines 14-16 by striking all of said lines; and further amend lines 21-23 by striking all of said lines and inserting in lieu thereof the following: “**felony. For any violation of subsection 3 of this section, the**”.

Further amend the title and enacting clause accordingly.

Senator Koster moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Nodler, **SS** for **SCS** for **HCS** for **HB 972**, as amended, was withdrawn.

Senator Nodler offered **SS No. 2** for **SCS** for **HCS** for **HB 972**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 972

An Act to repeal sections 311.310, 565.024, 566.083, 568.05, 577.001, and 577.023, RSMo, and to enact in lieu thereof thirteen new sections relating to crime, with penalty provisions and an emergency clause for a certain section.

Senator Nodler moved that **SS No. 2** for **SCS** for **HCS** for **HB 972** be adopted.

Senator Graham raised the point of order that **SS No. 2** for **SCS** for **HCS** for **HB 972** is out of order as it goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Callahan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 9, Section 311.310, Line 3, of said page, by inserting after all of said line the following:

“3. It shall be a defense to prosecution under this section if:

(1) The defendant is a licensed retailer, club, drinking establishment, or caterer, or holds a temporary permit, or an employee thereof;

(2) The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one or more years of age; and

(3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri nondriver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the legal age for the consumption of intoxicating liquor.”.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Callahan, **SA 1** was withdrawn.

Senator Graham offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 15, Section 577.001, Line 3, by inserting immediately after said line the following:

“577.017. 1. No person, including the driver of the motor vehicle, shall consume [any] an alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] or possess an open alcoholic beverage container in the passenger area of a motor vehicle located on a highway or the right-of-way of a highway.

2. Any person found guilty of violating the provisions of this section is guilty of an infraction for which a fine not to exceed twenty-five dollars may be imposed.

3. Any infraction under this section shall not reflect on any records with the department of revenue.

4. The provisions of this section shall not apply to passengers in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or to passengers in the living quarters of a house coach, house trailer or recreational motor vehicle. The provisions of this section shall also not apply to the possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.

5. “Alcoholic beverage” as used in this section includes all distilled spirits, regardless of the percentage of alcohol by volume the beverage contains. The term alcoholic beverage includes beer and wine if they contain one-half of one percent or more of alcohol by volume. The term alcoholic beverage shall include “intoxicating liquor” as defined in section 311.020, RSMo, and “nonintoxicating beer” as defined in section 312.010, RSMo.

6. As used in this section, “passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment.

7. As used in this section, “open alcoholic beverage container” means any bottle, can or other receptacle which:

(1) Contains any amount of alcoholic beverage, except for a receptacle that contains a de minimus amount or which is otherwise empty; and

(2) Is open or has a broken seal; or

(3) The contents are partially removed.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Kennedy, Wheeler and Wilson.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Coleman	Days	Graham
Kennedy	Wheeler	Wilson—7	

NAYS—Senators

Alter	Barnitz	Bartle	Callahan
Cauthorn	Champion	Clemens	Crowell
Dolan	Dougherty	Engler	Gibbons
Green	Griesheimer	Gross	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel—26		

Absent—Senator Koster—1

Absent with leave—Senators—
None

Vacancies—None

At the request of Senator Nodler, **HCS** for **HB 972**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Mayer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SBs 420** and **344**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 420 & 344

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10 & 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 420 & 344;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 420 & 344, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Robert Mayer

FOR THE HOUSE:

/s/ Richard Byrd

/s/ Chris Koster

/s/ Bryan T. Pratt

/s/ Jason Crowell

/s/ Bryan P. Stevenson

/s/ Victor E. Callahan

/s/ Connie Johnson

/s/ Rita Heard Days

/s/ Rick Johnson

Senator Wilson, under the provisions of Senate Rule 91, was excused from voting.

Senator Mayer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wheeler—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Excused from voting—Senator
Wilson—1

Vacancies—None

On motion of Senator Mayer, **CCS** for **HCS** for **SCS** for **SBs 420** and **344**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 420 & 344

An Act to repeal sections 105.711, 105.726, 210.117, 210.950, 211.038, 211.181, 238.216, 452.340, 455.516, 461.005, 472.060, 478.255, 478.550, 478.570, 478.600, 483.537, 486.200, 488.031, 488.445, 488.607, 488.5030, 494.430, 494.432, 516.130, 534.090, 545.550, and 570.123, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial procedures and personnel, with a penalty provision.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel

Wheeler—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

Excused from voting—Senator
Wilson—1

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 196, with **SCS**, introduced by Representative Wildberger, et al, entitled:

An Act to repeal section 556.036, 569.040, and 569.050, RSMo, and to enact in lieu thereof three new sections relating to the statute of limitation for certain crimes, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Koster.

SCS for **HB 196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 196An Act to repeal sections 556.036 and 569.040, RSMo, and to enact in lieu thereof two new sections relating to the statute of limitation for certain crimes, with penalty provisions.

Was taken up.

Senator Koster moved that **SCS** for **HB 196** be adopted, which motion prevailed.

On motion of Senator Koster, **SCS** for **HB 196** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—None

Absent—Senators

Callahan	Crowell	Green	Kennedy—4
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Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 539, with **SCS**, introduced by Representative Icet, et al, entitled:

An Act to repeal sections 168.110 and 168.126, RSMo, and to enact in lieu thereof two new sections relating to teacher salary incentives.

Was called from the Informal Calendar and taken up by Senator Nodler.

SCS for **HB 539**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 539An Act to repeal sections 162.675, 162.725, 162.735, 162.740, 168.110, and 168.126, RSMo, and to enact in lieu thereof five new sections relating to education.

Was taken up.

Senator Nodler moved that **SCS** for **HB 539** be adopted.

Senator Callahan offered **SA 1**:

SENATE AMENDMENT NO. 1Amend Senate Committee Substitute for House Bill No. 539, Page 1, Section A, Line 4, by inserting after all of said line the following:

“162.432. 1. Notwithstanding any provision of law to the contrary, qualified voters who reside in an urban school district and also in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may petition to annex the territory of such urban school district that is located in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants to the adjoining seven-

director school district located in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred. The annexation and change in school boundaries shall conform to the city boundary lines in which the voters reside and the boundary lines of the adjoining seven-director school district.

2. Ten percent of the number of voters who voted in the last annual school board election and who reside in an urban school district and also in any home rule city with more than one hundred thirteen thousand two hundred but fewer than one hundred thirteen thousand three hundred inhabitants may petition the adjoining seven-director school district for annexation to that district and a change of school boundaries. The petition for annexation and boundary change shall define adequately the physical territory to be annexed.

3. Upon the submission of the petition to the school board secretary of the adjoining seven-director school district, the seven-director school district board shall have ninety days to act upon the petition. A majority vote by the seven-director school board shall be required to accept the petition for annexation and a change of school boundaries. Upon acceptance, an election shall be held in the territory petitioned for annexation and boundary change. The election shall be held within one year after the vote of acceptance by the seven-director school board. The secretary of the seven-director school district board shall notify the secretary of the urban school district board of the acceptance of the petition and the date of the election. The question may be submitted on a municipal election date, August primary date, or November general election date. The question shall be submitted in substantially the following form:

Shall the (insert territory to be annexed) portion of the (insert name of school district) school district be annexed to the (insert name of school district) school district effective the day of,?

☐ YES ☐ NO

The annexing seven-director school district shall incur the cost of the election. The voters in the territory subject to annexation and school boundary change shall decide the question by a majority vote of those who vote upon the question. If assent to the annexation and boundary change is given by the annexing territory, the annexation and boundary change shall go into effect the subsequent fifteenth day of June, at which time the school tax property levy in the annexed territory shall be set at the same rate as the school tax levy in the annexing seven-director school district.

4. The apportionment of property shall be governed by sections 162.031 and 162.041. The annexing seven-director school district, upon the annexation of the territory from the urban school district, shall possess the discretion to apportion the school property and facilities in the annexed territory that are necessary to serve the educational needs of the residents in the annexed territory.”; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Nodler, **HB 539**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Nodler moved that **HCS** for **HB 972**, with **SCS** and **SS No. 2** for **SCS** (pending) be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Bartle offered **SA 3**:

SENATE AMENDMENT NO. 3 Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 6, Section 67.2552, Lines 6-10, by striking all of said lines from the bill; and

further amend said page, lines 19-22, by striking all of said lines from the bill; and

By renumbering the subsections accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 972, Page 11, Section 565.024, Line 5, by inserting immediately after said line the following:

“565.252. 1. A person commits the crime of invasion of privacy in the first degree if such person:

(1) Knowingly photographs or films another person, without the person’s knowledge and consent, while the person

being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer; or

(2) Knowingly disseminates or permit the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of subdivision (1) of this subsection or in violation of section 565.253; **or**

(3) Knowingly videotapes, films photographs, or otherwise records another person, without the person’s knowledge and consent, under the clothing being worn by such person for the purpose of viewing the body of, or the undergarments worn by, such person.

2. Invasion of privacy in the first degree is a class D felony.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Nodler moved that **SS No. 2** for **SCS** for **HCS** for **HB 972**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS No. 2** for **SCS** for **HCS** for **HB 972**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SPA 1** and has taken up and passed **HCS** for **HB 630**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 515** and has taken up and passed **SCS** for **HCS** for **HB 515**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 685** and has taken up and passed **SCS** for **HB 685**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 441** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 441**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 618** and has taken up and passed **SCS** for **HB 618**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 576** and has taken up and passed **HCS** for **HB 576**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**

for **SCS**, as amended, for **HB 487** and has taken up and passed **SS** for **SCS** for **HB 487**, as amended.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 1477, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Woodrum, Lebanon, which was adopted.

Senator Gross offered Senate Resolution No. 1478, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald DeSplinter, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1479, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Cullom, St. Charles, which was adopted.

Senator Engler offered Senate Resolution No. 1480, regarding Deborah Volner, which was adopted.

Senator Engler offered Senate Resolution No. 1481, regarding Nonna Freer, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1482, regarding Rita Francis, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1483, regarding Carol Weems, which was adopted.

Senator Engler offered Senate Resolution No. 1484, regarding Ann Farrell, which was adopted.

Senator Engler offered Senate Resolution No. 1485, regarding Sharon Laughman, which was adopted.

Senator Engler offered Senate Resolution No. 1486, regarding Beverly Herrell, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1487, regarding Neil Gunn, Bonne Terre, which was adopted.

Senator Engler offered Senate Resolution No. 1488, regarding Mary Ragsdale, Desloge, which was adopted.

Senator Engler offered Senate Resolution No. 1489, regarding Keith Mitchell, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 1490, regarding Judith Clark, Park Hills, which was adopted.

Senator Engler offered Senate Resolution No. 1491, regarding Jane Bates, Farmington, which was adopted.

Senator Green offered Senate Resolution No. 1492, regarding Joseph E. Bredehoft, which was adopted.

Senator Shields offered Senate Resolution No. 1493, regarding Christina Hammond, Saint Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1494, regarding Dale Ellis, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1495, regarding Andrew Boyer, St. Joseph, which was adopted.

Senator Callahan offered Senate Resolution No. 1496, regarding Sylvia Schafer, Independence, which was adopted.

Senator Kennedy offered Senate Resolution No. 1497, regarding Christopher William Luecke, St. Louis, which was adopted.

Senator Callahan offered Senate Resolution No. 1498, regarding the Ninetieth Birthday of Annabelle Medley, Independence, which was adopted.

Senator Engler offered Senate Resolution No. 1499, regarding the future Mr. and Mrs. Seth Hennrich, which was adopted.

Senator Kennedy offered Senate Resolution No. 1500, regarding Kyle Tracy, St. Louis, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1501, regarding Willa "Dean" Arnold, Sullivan, which was adopted.

Senator Vogel offered Senate Resolution No. 1502, regarding Ronald W. Cates, Holts Summit, which was adopted.

Senator Alter offered Senate Resolution No. 1503, regarding Sean Michael Simowitz, Barnhart, which was adopted.

Senator Alter offered Senate Resolution No. 1504, regarding Jennifer Armon, Imperial, which was adopted.

Senator Alter offered Senate Resolution No. 1505, regarding Megan Vivian, Imperial, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1506, regarding Ryan Hager, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1507, regarding Shelda Johnson Underwood, Unionville, which was adopted.

Senator Green offered Senate Resolution No. 1508, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph O'Brien, which was adopted.

Senator Gibbons offered Senate Resolution No. 1509, regarding Benjamin L. "Ben" Steenrod, Webster Groves, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, the Physician of the Day, Dr. Daniel M. Goodenberger, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTIETH DAY-FRIDAY, MAY 13, 2005

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 542-Callahan
SB 326-Nodler, with SCS
SB 417-Engler, et al
SB 466-Vogel, with SCS
SB 508-Wheeler, with SCS

HOUSE BILLS ON THIRD READING

HB 789-Salva, et al (Engler)

HCS for HB 665, with SCS (Scott) (In
Fiscal Oversight)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 3-Loudon

SS for SCS for SB 316-Dolan (In Fiscal
Oversight)

SENATE BILLS FOR PERFECTION

SB 5-Klindt, with SCS & SS for SCS

(pending)
SB 12-Cauthorn and Klindt
SB 29-Dolan, with SCS & SA 1 (pending)
SB 44-Wheeler and Bray, with SCS
SB 50-Taylor and Nodler, with SCS & SS
for SCS (pending)
SB 55-Klindt, with SCS & SS for SCS
(pending)
SB 64-Kennedy, with SCS
SB 90-Dougherty, with SCS
SB 93-Cauthorn, with SCS
SB 152-Wilson, with SCS (pending)
SB 159-Cauthorn
SB 160-Bartle, et al, with SS (pending)
SB 185-Loudon, et al, with SA 1 & SA 1
to SA 1 (pending)
SB 199-Gross
SB 214-Scott, et al, with SCS

SB 236-Klindt and Clemens
SB 240-Scott
SB 241-Scott
SB 253-Koster, with SCS
SB 284-Cauthorn and Clemens, with SCS
(pending)
SB 291-Mayer, et al, with SCS & SS for
SCS (pending)
SB 321-Shields
SB 324-Scott, with SCS
SB 339-Gross, with SCS
SBs 365 & 204-Mayer, et al, with SCS
(pending)
SB 373-Bartle
SB 376-Loudon
SB 393-Stouffer, with SCS
SB 434-Cauthorn
SB 470-Engler
SB 548-Loudon

HOUSE BILLS ON THIRD READING

HB 48-Dougherty, with SCS (Callahan)
HCS#2 for HBs 94 & 185
(Koster)

HB 100-Cunningham, et al, with SCS &
SA 7 (pending) (Loudon)

HCS for HB 108 (Shields)
HCS for HB 135, with SCS (Shields)
HCS for HB 192, with SCS (Cauthorn)
HCS for HB 208, with SCS (Crowell)

HB 320-Muschany, et al, with SCS & SS
for SCS (pending) (Nodler)
HCS for HB 347, with SCS & SS for SCS
(pending) (Dolan)
HCS for HB 394, with SCS (Engler)
HB 417-Yates, et al, with SCS (Loudon)
HCS for HB 440 (Engler)
HCS for HB 468, with SCS (Scott)

HCS for HB 498 (Koster)
HB 539-Icet, et al, with SCS & SA 1
(pending) (Nodler)
HB 564-Boykins, et al (Coleman)
HB 592-Cooper (120) (Dolan)
HB 596-Schaaf, with SA 1 (pending)
(Shields)
HCS for HB 606 (Kennedy)
HB 832-Brooks, et al (Wilson)
HCS for HB 863, with SCS & SS for SCS
(pending) (Taylor)

CONSENT CALENDAR

House Bills

Reported 4/12

HCS for HB 119 (Stouffer)
HCS for HBs 163, 213 & 216 (Gross)
HB 219-Salva and Johnson (47) (Wheeler)
HB 236-Goodman (Taylor)

HB 261-Deeken (Griesheimer)
HB 323-Johnson (47) (Shields)
HB 473-Yates (Bartle)
HB 258-Cunningham (86) (Nodler)

Reported 4/13

HB 33-Phillips (Shields)
HB 455-Quinn, et al (Klindt)

HCS for HB 563 (Shields)
HCS for HB 513 (Loudon)

Reported 4/14

HB 69-Rupp (Loudon)
HCS for HB 56 (Dolan)
HB 413-Hubbard, et al (Coleman)

HCS for HBs 462 & 463 (Shields)
HB 681-Chappelle-Nadal (Days)
HB 321-Yates (Bartle)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 2-Loudon, with HCS, as
amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS#2 for SB 155-Mayer, with HCS, as
amended (Senate adopted CCR and
passed CCS)
SS for SCS for SB 210-Griesheimer, with
HCS, as amended (Senate adopted CCR
and passed CCS)
SCS for SB 233-Stouffer, with HCS, as
amended (Senate adopted CCR #2 and
passed CCS #2)
SCS for SB 390-Taylor, with HA 1 & HA 3
(Senate adopted CCR and passed CCS)
SCS for SBs 420 & 344-Mayer, with HCS,
as amended (Senate adopted CCR and
passed CCS)

SCS for SB 500-Gibbons, et al, with HCS,
as amended (Senate adopted CCR and
passed CCS)

HCS for HB 58, with SS for SCS, as
amended (Griesheimer)
HCS for HB 297, with SCS (Nodler)
HCS for HB 353, with SS for SCS, as
amended (Bartle)
HCS#2 for HB 568, with SS, as amended
(Nodler)

Requests to Recede or Grant Conference

SCS for SBs 221, 250 & 256-Dolan, with
HCS, as amended (Senate requests
House recede or grant conference)

HCS for HB 334, with SS, as amended
(Crowell) (House requests Senate
recede and pass the bill)

RESOLUTIONS

Reported from Committee

SCR 10-Scott
SCR 12-Koster
SCR 14-Purgason
HCR 11-Sander, et al (Stouffer)
HCR 9-Bivins, et al (Nodler)

HCR 20-Rupp, et al (Dolan)
HCS for HCR 24 (Coleman)
SR 901-Mayer, et al
SR 1193-Vogel, with SCA 1
HCR 23-Sutherland, et al (Mayer)

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—FRIDAY, MAY 13, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Steadfast love belongs to you, O Lord. For you repay to all according to their work.” (Psalm 63:12)

Gracious God, we know that this is our last day of this session and there are things we still want to accomplish and work to complete; so we pray, walk with us and sustain us that we may reach the end of this day knowing we have done all things as unto You. We pray, bless our work and let it be according to Your will and the intended actions accomplish what we have worked towards this session. And bring us to that place where we may know Your peace in our mind, body, spirit and community that produces an integrated wholeness and effectiveness in our daily living. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Shields announced that photographers from the Associated Press, KRCG-TV, KTVI-TV, News Tribune and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Green offered Senate Resolution No. 1510, regarding the One Hundred First Birthday of Helen C. Auman, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1511, regarding the Sixty-fifth Birthday of Florence Terry Pullen, Ladue, which was adopted.

Senator Bray offered Senate Resolution No. 1512, regarding Kelly Anthony, Saint Louis, which was adopted.

Senator Alter offered Senate Resolution No. 1513, regarding Diana Miller, which was adopted.

The Senate observed a moment of silence in memory of John Oliver, Sr.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **SA 1**, **SA 1**, as amended, and has taken up and passed **HB 114**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 437** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 437**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 64** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 64**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2**, **SA 3**, **SA 4**, **SA 6** and has taken up and passed **HCS** for **HB 461**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 638** and has taken up and passed **SCS** for **HB 638**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SSA 1** for **SA 1**, **SA 3**, **SA 6** and has taken up and passed **HCS** for **HB 525**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 196**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 402**, entitled:

An Act to repeal sections 311.310, 311.325, 570.223, and 577.500, RSMo, and to enact in lieu thereof seven new sections relating to substance abuse, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the following appointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Nicole Cozean, as a member of the Missouri Board of Occupational Therapy.

Senator Crowell moved that the committee report be adopted, and the Senate do give its advice and consent to the above appointment, which motion prevailed.

CONCURRENT RESOLUTIONS Senator Nodler moved that **HCR 9** be taken up for adoption, which motion prevailed.

On motion of Senator Nodler, **HCR 9** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler

Wilson—33

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senators—
None

Vacancies—None

Senator Dolan moved that **HCR 20** be taken up for 3rd reading and final passage, which motion prevailed.
HCR 20, entitled:

HOUSE CONCURRENT RESOLUTION NO. 20

Relating to the designation of October fifteenth as Pregnancy and Infant Loss Remembrance Day.
Was taken up.

On motion of Senator Dolan, **HCR 20** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Klindt Koster—2

Absent with leave—Senators—
None

Vacancies—None

Senator Mayer moved that **HCR 23** be taken up for adoption, which motion prevailed.
President Kinder assumed the Chair.

On motion of Senator Mayer, **HCR 23** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason

Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senators

Barnitz	Dolan—2
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Absent with leave—
Senators—None

Vacancies—None

PRIVILEGED MOTIONS

Senator Ridgeway moved that **SCS** for **SB 196**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 196**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 196

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

Was taken up.

Senator Ridgeway moved that **HCS** for **SCS** for **SB 196** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators

Koster—2

Vacancies—None

YEAS—Senators

Absent—Senators

Vacancies—None

Bill ordered enrolled.

Senator Gibbons moved that **SS** for **SB 402**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 402**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 402

An Act to repeal sections 311.310, 311.325, 570.223, and 577.500, RSMo, and to enact in lieu thereof seven new sections relating to substance abuse, with penalty provisions.

Was taken up.

Senator Gibbons moved that **HCS** for **SS** for **SB 402** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Gibbons, **HCS** for **SS** for **SB 402** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy

Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.
 On motion of Senator Gibbons, title to the bill was agreed to.
 Senator Gibbons moved that the vote by which the bill passed be reconsidered.
 Senator Shields moved that motion lay on the table, which motion prevailed.
 Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:
 Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 320**, entitled:
 An Act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.
 In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Koster moved that **SB 320**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.
HCS for **SB 320**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 320

An Act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.
 Was taken up.
 Senator Koster moved that **HCS** for **SB 320** be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Koster, **HCS** for **SB 320** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—

Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Coleman moved that **HCS** for **HCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator Coleman, **HCS** for **HCR 24** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—
None

Absent—Senator Klindt
—1

Absent with leave—
Senators—None

Vacancies—None

HOUSE BILLS ON THIRD READING

HCS No. 2 for **HBs 94** and **185**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition grants for dependents and spouses of military members.

Was called from the Informal Calendar and taken up by Senator Koster.

Senator Barnitz offered **SS** for **HCS No. 2** for **HBs 94** and **185**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2
FOR HOUSE BILLS NOS. 94 and 185

An Act to repeal section 351.488, RSMo, and to enact in lieu thereof two new sections relating to military affairs.
Senator Mayer assumed the Chair.

Senator Barnitz moved that **SS** for **HCS No. 2** for **HBs 94** and **185** be adopted, which motion prevailed.
President Kinder assumed the Chair.

On motion of Senator Koster, **SS** for **HCS No. 2** for **HBs 94** and **185** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Kennedy	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—
None

Absent—Senators

Dolan	Gross	Klindt—3
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Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Koster, title to the bill was agreed to.

Senator Koster moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 58**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 58**.

On motion of Senator Shields, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Gibbons.

Photographers from the Kansas City Star and KOMU-TV were given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 353**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 353**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS No. 2** for **HB 568**, as amended, and has taken up and passed **CCS** for **SS** for **HCS No. 2** for **HB 568**.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 866**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 58**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 58

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, with Senate Amendment Nos. 1, 3, 4, Senate Amendment No. 5 as amended, Senate Amendment Nos. 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, and 39, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 58;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Robert Johnson

Vicki Schneider

/s/ Todd Smith

/s/ Wes Wagner

/s/ Trent Skaggs

FOR THE SENATE:

/s/ John E. Griesheimer

/s/ Larry Gene Taylor

/s/ Jason Crowell

/s/ Yvonne Wilson

Harry Kennedy

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Koster	Loudon
Nodler	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—24

NAYS—Senators

Barnitz	Bray	Coleman	Days
Green	Kennedy	Klindt	Mayer
Purgason	Ridgeway—10		

Absent—Senators—None

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Griesheimer, **CCS** for **SS** for **SCS** for **HCS** for **HB 58**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 58

An Act to repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.760, 50.770, 50.780, 50.1030, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 59.005, 64.215, 64.940, 65.030, 65.110, 65.150, 65.160, 65.180, 65.190, 65.200, 65.220, 65.230, 65.300, 65.460, 65.490, 65.600, 65.610, 67.459, 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.012, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 105.711, 115.013, 115.019, 135.010, 136.010, 136.160, 137.073, 137.078, 137.100, 137.106, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 217.905, 231.230, 231.444, 233.295, 242.560, 245.205, 246.005, 247.060, 247.180, 249.1150, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 313.800, 313.820, 320.121, 321.120, 321.190, 321.220, 321.322, 321.603, 349.045, 393.015, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 478.570, 478.600, 488.2220, 559.607, 537.600, 640.635, 644.076, 701.031, 701.038, and 701.053, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by

conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, are repealed and to enact in lieu thereof one hundred sixty-six new sections relating to political subdivisions, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Bartle	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Dougherty	Engler	Gibbons	Graham
Griesheimer	Gross	Koster	Loudon
Nodler	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—24
NAYS—Senators			
Barnitz	Bray	Coleman	Days
Green	Kennedy	Klindt	Mayer
Purgason	Ridgeway—10		
Absent—Senators— None			
Absent with leave— Senators—None			
Vacancies—None			

The President declared the bill passed.
On motion of Senator Griesheimer, title to the bill was agreed to.
Senator Griesheimer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 789 was placed on the Informal Calendar.
Senator Scott requested unanimous consent of the Senate to suspend the rules for the purpose of taking up **HCS** for **HB 866** for 3rd reading and final passage, which request was granted.
HCS for **HB 866**, entitled:
An Act to repeal sections 375.146 and 375.991, RSMo, and to enact in lieu thereof three new sections relating to insurance fraud, with penalty provisions.
Was taken up by Senator Scott.
On motion of Senator Scott, **HCS** for **HB 866**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—
None

Absent—Senator Gross
—1

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.
On motion of Senator Scott, title to the bill was agreed to.
Senator Scott moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 353**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 353

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, with Senate Amendment Nos. 1, 2, 3, 5, Senate Amendment No. 6 as amended, Senate Amendment Nos. 7, 8, 9, 10, 12, 13, 14, 16, 17, and 18, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 353;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, be Third Read and Finally Passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Scott A. Lipke	/s/ Matt Bartle
/s/ Kenny Jones	/s/ John Loudon
/s/ Mark Bruns	/s/ Delbert Scott
/s/ John Burnett	/s/ Chuck Graham
/s/ Cathy Jolly	/s/ Rita Heard Days

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Bartle, **CCS** for **SS** for **SCS** for **HCS** for **HB 353**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 353

An Act to repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.543, 105.711, 115.135, 115.155, 115.160, 115.631, 195.017, 211.031, 217.105, 217.705, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116,

306.117, 306.119, 306.140, 306.147, 367.031, 407.1355, 479.230, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 559.607, 565.081, 565.082, 565.083, 566.083, 566.200, 566.223, 568.045, 568.050, 569.040, 569.080, 569.090, 570.030, 570.040, 570.080, 570.120, 570.145, 570.223, 570.255, 570.300, 575.150, 575.270, 576.050, 577.023, 577.041, 577.500, 590.040, 595.209, and 650.055, RSMo, and to enact in lieu thereof eighty-five new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and a severability clause.

Was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—
None

Vacancies—None

On motion of Senator Bartle, title to the bill was agreed to.
Senator Bartle moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Senator Koster assumed the Chair.
Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS No. 2** for **HB 568**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE No. 2 FOR HOUSE BILL NO. 568

The Conference Committee appointed on Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, with Senate Amendment Nos. 2, 5, 10, and 11, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, as amended;
2. That the House recede from its position on House Committee Substitute No. 2 for House Bill No. 568;
3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute No. 2 for House Bill No. 568, be Third Read and Finally Passed.

FOR THE HOUSE:	FOR THE SENATE:
/s/ Bryan P. Stevenson	/s/ Gary Nodler
/s/ Jack A.L. Goodman	/s/ Robert Mayer
/s/ Tim Flook	/s/ Matt Bartle
/s/ Kate Meiners	/s/ Chuck Graham
/s/ Jeanette Mott Oxford	/s/ Patrick Dougherty

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan

Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SS** for **HCS No. 2** for **HB 568**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE BILL NO. 568
An Act to repeal sections 210.110, 210.112, 210.117, 211.037, 211.038, 452.375, 452.400, and 452.490, RSMo,
and to enact in lieu thereof ten new sections relating to protection of children.
Was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 297** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 297**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 297**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 297

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 297 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 297;
2. That the House recede from its position on House Committee Substitute for House Bill No. 297;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 297, be Third Read and Finally Passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ David Pearce

/s/ Gary Nodler

/s/ Kevin Wilson

/s/ Michael R. Gibbons

/s/ Steve Hobbs

/s/ Dan Clemens

/s/ Sara Lampe

Yvonne Wilson

/s/ Sharon Sanders Brooks

/s/ Maida Coleman

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Alter

Bartle

Bray

Callahan

Cauthorn

Champion

Clemens

Coleman

Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senators

Barnitz Dougherty—2

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 297**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 297

An Act to repeal sections 160.522, 168.104, 168.211, 168.221, 168.261, and 168.515, RSMo, and to enact in lieu thereof six new sections relating to elementary and secondary education.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senators

Barnitz

Dougherty—2

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 119**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to life insurance benefits for government employees during military deployments, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Stouffer.

On motion of Senator Stouffer, **HCS** for **HB 119** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Dougherty
Engler	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—
None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for HBs 163, 213 and 216, entitled:

An Act to repeal sections 42.170, 42.175, 42.200, and 42.202, RSMo, and to enact in lieu thereof four new sections relating to veterans' medallion programs, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HCS for HBs 163, 213 and 216** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham

Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—
None

Absent—Senator Klindt
—1

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel	Wheeler
Wilson—33			

NAYS—Senators—
None

Absent—Senator Klindt
—1

Absent with leave—
Senators—None

Vacancies—None

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 219, introduced by Representatives Salva and Johnson (47), entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the naming of a room at the Missouri state archives.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **HB 219** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 236, introduced by Representative Goodman, entitled:

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to a national guard armory.

Was called from the Consent Calendar and taken up by Senator Taylor.

On motion of Senator Taylor, **HB 236** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—34		

NAYS—Senators—
None

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Taylor, title to the bill was agreed to.

Senator Taylor moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 261, introduced by Representative Deeken, entitled:

An Act to repeal section 70.655, RSMo, and to enact in lieu thereof one new section relating to local government employee retirement.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HB 261** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster

Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31
	NAYS—Senators— None		
	Absent—Senators		
Green		Scott—2	
	Absent with leave— Senator Engler—1		
	Vacancies—None		

The President declared the bill passed.
On motion of Senator Griesheimer, title to the bill was agreed to.
Senator Griesheimer moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.

HB 323, introduced by Representative Johnson (47), entitled:

An Act to repeal sections 86.370, 86.373, 86.374, 86.377, 86.380, 86.383, 86.387, 86.390, 86.393, 86.394, 86.397, 86.398, 86.400, 86.403, 86.407, 86.410, 86.413, 86.417, 86.420, 86.423, 86.427, 86.430, 86.433, 86.434, 86.437, 86.440, 86.441, 86.442, 86.443, 86.445, 86.447, 86.450, 86.453, 86.457, 86.460, 86.463, 86.467, 86.470, 86.473, 86.477, 86.480, 86.483, 86.487, 86.490, 86.493, 86.497, 86.600, 86.610, 86.611, 86.620, 86.630, 86.640, 86.650, 86.660, 86.665, 86.670, 86.671, 86.672, 86.675, 86.676, 86.680, 86.690, 86.700, 86.710, 86.720, 86.730, 86.740, 86.745, 86.750, 86.760, 86.770, 86.780 and 86.790, RSMo, and to enact in lieu thereof seventy-three new sections relating to Kansas City police retirement.

Was called from the Consent Calendar and taken up by Senator Shields.
Senator Wilson, under the provisions of Senate Rule 91, was excused from voting.
On motion of Senator Shields, **HB 323** was read the 3rd time and passed by the following vote:

	YEAS—Senators		
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel	Wheeler—30		
	NAYS—Senators—		

None

Absent—Senators

Green

Scott—2

Absent with leave—
Senator Engler—1

Excused from voting—
Senator Wilson—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 473, introduced by Representative Yates, entitled:

An Act to repeal section 167.020, RSMo, and to enact in lieu thereof one new section relating to pupil residency waiver requests, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Bartle.

Senator Bartle moved that **HB 473** be read the 3rd time and finally passed.

At the request of Senator Bartle, the above motion was withdrawn.

HB 258, introduced by Representative Cunningham (86), entitled:

An Act to repeal sections 162.695, 162.900, 162.995, 163.083, and 189.085, RSMo, and to enact in lieu thereof two new sections relating to school district census requirements.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HB 258** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—
None

Absent—Senators

Dolan

Green

Scott—3

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 33, introduced by Representative Phillips, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to state emblems.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 33** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senator
Graham—1

Absent—Senators

Ridgeway

Scott—2

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 455, introduced by Representative Quinn, et al, entitled:

An Act to repeal section 278.240, RSMo, and to enact in lieu thereof one new section relating to watershed districts.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 455** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Callahan
Cauthorn	Champion	Clemens	Coleman
Crowell	Days	Dolan	Gibbons
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—28

NAYS—Senator Barnitz
—1

Absent—Senators

Dougherty	Graham	Ridgeway	Scott—4
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Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HCS for **HB 563**, entitled:

An Act to repeal section 246.005, RSMo, and to enact in lieu thereof one new section relating to drainage and levee districts, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HCS** for **HB 563** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Shields	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—
None

Absent—Senators

Klindt	Ridgeway	Scott—3
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Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel		Wheeler	Wilson—31

NAYS—Senators—
None

Absent—Senators

Klindt	Scott—2
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Absent with leave—
Senator Engler—1

Vacancies—None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 513**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a certain highway.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HCS** for **HB 513** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—
None

Absent—Senators

Klindt
Scott—2

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

HB 69, introduced by Representative Rupp, entitled:

An Act to repeal sections 375.532 and 376.300, RSMo, and to enact in lieu thereof two new sections relating to investments of insurers.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HB 69** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Stouffer	Taylor	Vogel
Wheeler	Wilson—30		

NAYS—Senators—
None

Absent—Senators		
Gibbons	Scott	Shields—3

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.
On motion of Senator Loudon, title to the bill was agreed to.
Senator Loudon moved that the vote by which the bill passed be reconsidered.
Senator Nodler moved that motion lay on the table, which motion prevailed.

HCS for HB 56, entitled:
An Act to amend chapter 376, RSMo, by adding thereto one new section relating to multiple sclerosis.
Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HCS for HB 56** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Koster

Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—
None

Absent—Senators

Klindt Scott—2

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, entitled:

An Act to repeal sections 302.060, 302.321, 302.541, 311.310, 568.050, 577.023, and 577.500, RSMo, and section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof nine new sections relating to alcohol related offenses, with penalty provisions.

With House Amendment 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 37, 322, 78, 351, and 424, Section 302.060, Page 3, Line 35, by deleting the opening bracket “[” before the word “where” and by re-inserting said opening bracket after the word “where”; and

Further amend said Bill, Page 3, Section 302.309 by deleting said section; and

Further amend said Bill, Page 7, bracketed Section 302.309, by deleting said Section; and

Further amend said Bill, Page 12, Section 565.022 by deleting said Section; and

Further amend said Bill, Page 12, Section 565.022, Line 10 by inserting after said Line the following:

“565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if he:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person.

2. **Except as provided in subsections 3 and 4 of this section**, involuntary manslaughter in the first degree is a

class C felony.

3. A person commits the crime of involuntary manslaughter in the first degree if he or she, while in an intoxicated condition operates a motor vehicle in this state, and, when so operating, acts with criminal negligence to:

(1) Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section 301.010, RSMo, or the highway's right-of-way; or

(2) Cause the death of two or more persons; or

(3) Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths by weight of alcohol in such person's blood.

4. Involuntary manslaughter in the first degree under subdivisions (1), (2), or (3) of subsection 3 of this section is a class B felony. A second or subsequent violation of subdivision (3) of subsection 3 of this section is a class A felony. For any violation of subsection 3 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent of his or her sentence.

5. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.

[4.] 6. Involuntary manslaughter in the second degree is a class D felony.”; and

Further amend said Bill, Page 12, Section 568.050, Line 17, by deleting the following: “**565.022**”; and

Further amend said Bill, Page 13, Section 568.050, Line 25 by inserting after said Line the following:

“577.001. 1. As used in this chapter, the term "court" means any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

[2.] 3. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

[3.] 4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061, RSMo, and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

[4.] 5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol or drug related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041.”; and

Further amend said Bill, Page 13, Section 577.023, Lines 4 through 7, by deleting said Lines and by inserting in lieu thereof the following:

“**guilty to or has been found guilty of involuntary manslaughter under section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related offense; assault in the**”; and

Further amend said Bill, Page 13, Section 577.023, Lines 15 and 16, by deleting said Lines and by inserting in lieu thereof the following: “**separate occasions, involuntary manslaughter under section 565.024, RSMo,**”; and

Further amend said Bill, Page 13, Section 577.023, Lines 21 and 22, by deleting said Lines and by inserting in lieu thereof the following: “**manslaughter under section 565.024, RSMo, assault in the second degree under**”; and

Further amend said Bill, Page 13, Section 577.023, Lines 27 through 31, by deleting said Lines and by inserting in lieu thereof the following:

“excessive blood alcohol content, involuntary manslaughter pursuant to [subdivision (2) of subsection 1 of] section 565.024, RSMo, **murder in the second degree pursuant to section 565.021, RSMo, where the underlying felony is an intoxication-related offense,** assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law”; and

Further amend said Bill, Page 14, Section 577.023, Line 41, by deleting said Line and by inserting in lieu thereof the following:
“manslaughter pursuant to [subsection 1 of] section 565.024, RSMo, assault in the second degree”; and
Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Nodler moved that **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, as amended, entitled:
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 37, 322, 78, 351 and 424

An Act to repeal sections 302.060, 302.321, 302.541, 311.310, 568.050, 577.023, and 577.500, RSMo, and section 302.309 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session and section 302.309 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof nine new sections relating to alcohol related offenses, with penalty provisions.

Was taken up.

Senator Nodler moved that **HCS** for **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

On motion of Senator Nodler, **HCS** for **SS** for **SCS** for **SBs 37, 322, 78, 351** and **424**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HB 596**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Shields, **SA 1** was withdrawn.

On motion of Senator Shields, **HB 596** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens

Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

The President declared the bill passed.
On motion of Senator Shields, title to the bill was agreed to.
Senator Shields moved that the vote by which the bill passed be reconsidered.
Senator Gibbons moved that motion lay on the table, which motion prevailed.
President Pro Tem Gibbons assumed the Chair.

HB 413, introduced by Representative Hubbard, et al, entitled:
An Act to amend chapter 190, RSMo, by adding thereto one new section relating to a bioterrorism vaccination program for first responders deployed to disaster locations, with an emergency clause.
Was called from the Consent Calendar and taken up by Senator Coleman.
On motion of Senator Coleman, **HB 413** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

The President Pro Tem declared the bill passed.
The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

On motion of Senator Coleman, title to the bill was agreed to.
Senator Coleman moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
HCS for HBs 462 and 463, entitled:
An Act to repeal sections 537.037 and 630.140, RSMo, and to enact in lieu thereof four new sections relating to

suicide prevention.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HCS** for **HBs 462** and **463** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

The President Pro Tem declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 521**.

With House Committee Amendment 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 521, Page 1, Section A, Line 2 by deleting the number “26.018” and inserting in lieu thereof the number “26.607”; and

Further amend said bill, Page 2, Section 26.607, Line 20 by inserting after the word “**governor**” the words “**or his or her designee**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Crowell moved that **SB 521**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Crowell moved that **HCA 1** be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dolan	Dougherty
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—
None

Absent—Senators	
Coleman	Scott—2

Absent with leave—
Senator Engler—1

Vacancies—None

On motion of Senator Crowell, **SB 521**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

Vacancies—None

The President Pro Tem declared the bill passed.
On motion of Senator Crowell, title to the bill was agreed to.
Senator Crowell moved that the vote by which the bill passed be reconsidered.
Senator Shields moved that motion lay on the table, which motion prevailed.
Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 681, introduced by Representative Chappelle-Nadal, entitled:

An Act to repeal sections 660.620 and 660.625, RSMo, and to enact in lieu thereof two new sections relating to the office of advocacy and assistance for the elderly.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **HB 681** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Gibbons	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

NAYS—Senators—
None

Absent—Senator Scott—
1

Absent with leave—
Senator Engler—1

The President Pro Tem declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 431**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SB 210**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SCS** for **SB 210**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS No. 2** for **SB 155**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS No. 2** for **SB 155**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 233**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 233**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 500**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 500**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 420 and 344**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 420 and 344**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS No. 2** for **HB 232** and has taken up and passed **SCS** for **HCS No. 2** for **HB 232**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 229** and has taken up and passed **SCS** for **HB 229**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 443** and has taken up and passed **SCS** for **HCS** for **HB 443**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HB 116** and has taken up and passed **SS** for **HB 116**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HB 824** and has taken up and passed **HCS** for **HB 824**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 500** and **533** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 500** and **533**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** and **SA 2** and has taken up and passed **HCS** for **HB 388**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 617** and has taken up and passed **SS** for **SCS** for **HB 617**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** and has taken up and passed **SCS** for **HB 688**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HCS** for **HB 972**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, and has taken up and passed **SS** for **SCS** for **HCS** for **HB 186**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 274**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 346**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 15**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCR 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 480**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 518**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 122**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 288**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 396**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up

and adopted **SCR 19**.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 13, 2005

TO THE SECRETARY OF THE SENATE

93RD GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 189 entitled:

AN ACT

To repeal sections 198.439, 208.480, and 338.550, RSMo, and to enact in lieu thereof ten new sections relating to the health care provider tax, with an emergency clause.

On May 13, 2005, I approved said House Committee Substitute for Senate Bill No. 189. Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

May 13, 2005

TO THE SECRETARY OF THE SENATE

93RD GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270 entitled:

AN ACT

To repeal sections 30.247, 30.250, 30.260, 30.270, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof fifteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

On May 13, 2005, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 270.

Respectfully submitted,

MATT BLUNT

Governor

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1514, regarding Lindsey Williams, St. Joseph, which was adopted.

Senator Scott offered Senate Resolution No. 1515, regarding Ron Wilken, Preston, which was adopted.

Senator Klindt offered Senate Resolution No. 1516, regarding Rock Port Telephone Company, Rock Port, which was adopted.

Senator Klindt offered Senate Resolution No. 1517, regarding the village of Allendale, which was adopted.

Senator Klindt offered Senate Resolution No. 1518, regarding the Hamilton Sesquicentennial celebration, which was adopted.

Senator Gross offered Senate Resolution No. 1519, regarding Diana L. Dalton, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1520, regarding Lanny C. Hradek, Saint Charles, which was adopted.

Senator Nodler offered Senate Resolution No. 1521, regarding Keith Fiscus, Joplin, which was adopted.

Senator Mayer offered Senate Resolution No. 1522, regarding Adam Kingree, Bloomfield, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1523, regarding the 2004 Saint Francis Borgia High School Volleyball Program, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Hamilton Price Phillips, Columbia; and Hamilton was made an honorary page.

On motion of Senator Shields, the Senate adjourned until 10:00 a.m., Friday, May 20, 2005.

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Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—FRIDAY, MAY 20, 2005

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1524, regarding Sharon Gerber, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1525, regarding Karen S. Evans, Festus, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1526, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Jenkins, Macon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1527, regarding Cayrol Coffman, Callao, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1528, regarding Velda Buhrmester, Wellington, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1529, regarding David Twente, Napoleon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1530, regarding Gail Higginbotham, Independence, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1531, regarding Gil Rector, Lexington, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1532, regarding Vera Toll, Macon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1533, regarding the late Otto C. Kroge, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1534, regarding the late Everett R. Gant, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1535, regarding the late Sterling Martin “Slim” Casner, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1536, regarding the birth of Calli NaCole King, Odessa, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1537, regarding Billy J. Lent,

Atlanta, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1538, regarding Carmen J. Randolph, Independence, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1539, regarding Marty Tidd, Festus, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1540, regarding Karen Fine, Festus, which was adopted.

On behalf of Senator Ridgeway, Senator Gibbons offered Senate Resolution No. 1541, regarding Winifred M. Kimsey, Smithville, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1542, regarding Jerry Johnson, West Plains, which was adopted.

Senator Gibbons offered Senate Resolution No. 1543, in memory of Representative Richard Byrd, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1544, regarding Steven M. Kohner, Kirkwood, which was adopted.

On behalf of Senator Wheeler, Senator Gibbons offered Senate Resolution No. 1545, regarding Jeffrey Peine, which was adopted.

On behalf of Senator Taylor, Senator Gibbons offered Senate Resolution No. 1546, regarding Larry Alan Panhorst, Gerald, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1547, regarding the birth of Mercedes Lynn Summers, Macon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1548, regarding the birth of Tyler Franklin Miller, Norborne, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1549, regarding the birth of Tyler Michael Rechterman, Higginsville, which was adopted.

On behalf of Senator Graham, Senator Gibbons offered Senate Resolution No. 1550, regarding the Sesquicentennial Anniversary of the Calvary Episcopal Church, Columbia, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1551, regarding Faye Ferguson, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1552, regarding Magda Boone Neill, Bolivar, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1553, regarding Christopher Keen, Smithville, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1554, regarding David Denton, St. Joseph, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1555, regarding Tylor Hindry, St. Joseph, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1556, regarding Congressman Roy D. Blunt, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1557, regarding the birth of Cora Faith Adams, New Franklin, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1558, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Buss Korte, Boonville, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1559, regarding the birth of Evann Maria Witte, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 1560, regarding Katie Maninger, St. Louis, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1561, regarding Cheryl Crouch, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1562, regarding Patricia Gamble, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1563, regarding Robert Dale “Bob” Ortmeyer, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1564, regarding Rita Thi Lipskoch, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1565, regarding Ashlee Bestgen, Tipton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1566, regarding Brice Kuttenkuler, Tipton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1567, regarding Kayla James, Tipton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1568, regarding Jason Young, California, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1569, regarding Morgan Clennin, California, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1570, regarding Jessica Rudder, California, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1571, regarding Gale Detring, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1572, regarding Sidney Smith, Four Seasons, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1573, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Wilson, Camdenton, which was adopted.

On behalf of Senator Wilson, Senator Gibbons offered Senate Resolution No. 1574, in memory of Reverend Earl Abel, Kansas City, which was adopted.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 186**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Gibbons on behalf of Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SJR 1**; **HCS** for **SCS** for **SBs 10 and 27**; **HCS** for **SB 21**; **HCS** for **SCS** for **SB 24**; **HCS** for **SS** for **SCS** for **SBs 37, 322, 78, 351 and 424**; **HCS** for **SB 38**; **SCS** for **SB 68**; **SB 71**; **SCS** for **SB 73**; **HCS** for **SS** for **SCS** for **SBs 74 and 49**;

HCS for SS for SB 95; HCS for SCS for SB 100; HCS for SCS for SBs 103 and 115; SB 122; SB 131; SCS for SB 133; SB 149; CCS for HCS for SCS No. 2 for SB 155; SB 156; HCS for SS for SCS for SB 168; SCS for SB 170; HCS for SB 174; CCS for HCS for SB 177; SB 178; SS for SCS for SB 179; HCS for SCS for SB 182; HCS for SCS for SB 196; CCS for HCS for SS for SCS for SB 210; SB 211; HCS for SB 216; HCS for SS No. 2 for SCS for SB 225; CCS No. 2 for HCS for SCS for SB 233; HCS for SCS for SB 238; SCS for SB 246; SB 254; SCS for SB 258; SB 259; SB 261; HCS for SCS for SB 262; SCS for SB 266; SCS for SB 267; HCS for SCS for SB 272; SB 274; SB 279; SB 280; CCS for HCS for SS for SCS for SB 287; SB 288; SCS for SB 289; SB 298; SB 299; SCS for SB 302; SB 306; HCS for SB 307; SB 318; HCS for SB 320; SB 323; CCS for HCS for SS for SB 343; SS for SCS for SB 346; SB 347; HCS for SCS for SB 355; SB 367; HCS for SCS for SB 372; SB 378; SB 394; SB 396; HCS for SB 401; HCS for SS for SB 402; SCS for SB 407; CCS for HCS for SCS for SBs 420 and 344; HCS for SB 422; HCS for SCS for SB 423; SB 431; HCS for SCS for SB 450; SB 453; HCS for SS for SCS for SB 462; SB 480; SB 488; HCS for SB 490; CCS for HCS for SCS for SB 500; SCS for SB 501; SB 507; SB 516; SB 518; SB 521; and CCS for HCS for SS for SCS for SB 237, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS for SJR 1; HCS for SCS for SBs 10 and 27; HCS for SB 21; HCS for SCS for SB 24; HCS for SS for SCS for SBs 37, 322, 78, 351 and 424; HCS for SB 38; SCS for SB 68; SB 71; SCS for SB 73; HCS for SS for SCS for SBs 74 and 49; HCS for SS for SB 95; HCS for SCS for SB 100; HCS for SCS for SBs 103 and 115; SB 122; SB 131; SCS for SB 133; SB 149; CCS for HCS for SCS No. 2 for SB 155; SB 156; HCS for SS for SCS for SB 168; SCS for SB 170; HCS for SB 174; CCS for HCS for SB 177; SB 178; SS for SCS for SB 179; HCS for SCS for SB 182; HCS for SCS for SB 196; CCS for HCS for SS for SCS for SB 210; SB 211; HCS for SB 216; HCS for SS No. 2 for SCS for SB 225; CCS No. 2 for HCS for SCS for SB 233; HCS for SCS for SB 238; SCS for SB 246; SB 254; SCS for SB 258; SB 259; SB 261; HCS for SCS for SB 262; SCS for SB 266; SCS for SB 267; HCS for SCS for SB 272; SB 274; SB 279; SB 280; CCS for HCS for SS for SCS for SB 287; SB 288; SCS for SB 289; SB 298; SB 299; SCS for SB 302; SB 306; HCS for SB 307; SB 318; HCS for SB 320; SB 323; CCS for HCS for SS for SB 343; SS for SCS for SB 346; SB 347; HCS for SCS for SB 355; SB 367; HCS for SCS for SB 372; SB 378; SB 394; SB 396; HCS for SB 401; HCS for SS for SB 402; SCS for SB 407; CCS for HCS for SCS for SBs 420 and 344; HCS for SB 422; HCS for SCS for SB 423; SB 431; HCS for SCS for SB 450; SB 453; HCS for SS for SCS for SB 462; SB 480; SB 488; HCS for SB 490; CCS for HCS for SCS for SB 500; SCS for SB 501; SB 507; SB 516; SB 518; and SB 521, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.**

OBJECTIONS

Senator Stouffer offered the following constitutional objection:

May 10, 2005

Mrs. Terry Spieler

Missouri Senate

State Capitol

Jefferson City, MO 65101

RE: Conference Committee Substitute for HCS/SS/SCS/SB 237.

This is to notify you and others that I hereby am filing a constitutional objection to said bill for the following reasons:

1. That CCS/HCS/SS/SCS/SB 237, by allowing a private cable company to place its lines within the right of way of Missouri's state highways without compensating the owner of the property underlying the right of way, is in violation of Article I, Section 28 of the Bill of Rights of the Missouri Constitution which states that private property shall not be taken for private use without compensation.
2. That CCS/HCS/SS/SCS/SB 237, by allowing a private cable company to place its lines within the right of way of Missouri's state highways without compensating the owner of the property underlying the right of way, grants to a private company a special privilege in violation of Article 3, Section 40(28) of the Missouri Constitution and contrary to the decision of the Missouri Supreme Court in *Planned Industrial Expansion Authority of the City of St. Louis v. Southwestern Bell Telephone*, 612 S.W. 2d 772 (Mo 1981).

Sincerely,
/s/ Bill Stouffer
Wm. H. "Bill" Stouffer
State Senator, Dist. 21

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for

HCS for **SS** for **SCS** for **SB 237**, having passed both branches of the General Assembly, would be read at length by the Secretary, and the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Gibbons, the Senate adjourned until 12:00 noon, Thursday, May 26, 2005.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY—THURSDAY, MAY 26, 2005

The Senate met pursuant to adjournment.

President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1575, regarding Ann Orear, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1576, regarding the birth of Mary Caroline Campbell, Carrollton, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1577, regarding the birth of Jake Allen Levett, Callao, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1578, regarding the birth of Logan Christopher Franklin, Carrollton, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1579, regarding the birth of Vincint Kye Vasquez, Carrollton, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1580, regarding Patricia “Patty” Bates, Norborne, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1581, regarding Devona Feagan, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1582, regarding Maxine Orear, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1583, regarding Susan Begley, which was adopted.

On behalf of Senator Wilson, Senator Gibbons offered Senate Resolution No. 1584, regarding Dr. Nelson “Fuzzy” Thompson, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 1585, regarding Anna Alekseyev, St. Louis, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 1586, regarding Deborah Waite Howard, Maryland Heights, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1587, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill D. Williams, Thayer, which was adopted.

On behalf of Senator Green, Senator Gibbons offered Senate Resolution No. 1588, regarding Ronald “Ron” Jones,

Jr., St. Louis, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 1589, regarding the Sesquicentennial Celebration of Maries County, which was adopted.

On behalf of Senator Gross, Senator Gibbons offered Senate Resolution No. 1590, regarding Scott Dean McQuaid, St. Charles, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1591, regarding St. Mary's Infirmary Nurses Alumnae Association, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1592, regarding Janice Chiles, Saint Louis, which was adopted.

On behalf of Senator Loudon, Senator Gibbons offered Senate Resolution No. 1593, regarding Betty Hindman, which was adopted.

On behalf of Senator Mayer, Senator Gibbons offered Senate Resolution No. 1594, the Fiftieth Wedding Anniversary of Mr. and Mrs. Alphonse H. Banken, Dexter, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1595, regarding Doris Ives, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 1596, regarding Tiffany Davis, Rolla, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 1597, regarding Sara Henne, Rolla, which was adopted.

On behalf of Senator Graham, Senator Gibbons offered Senate Resolution No. 1598, regarding Holly Vogel, Columbia, which was adopted.

On behalf of Senator Graham, Senator Gibbons offered Senate Resolution No. 1599, regarding Arthi Vellore, Columbia, which was adopted.

On behalf of Senator Barnitz, Senator Gibbons offered Senate Resolution No. 1600, regarding Laura Warnke, Rolla, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1601, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Archie Willey, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1602, regarding the One Hundredth Birthday of Marie Clark, Mexico, which was adopted.

On behalf of Senator Bray, Senator Gibbons offered Senate Resolution No. 1603, regarding Margaret Frances Gladbach, Chesterfield, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1604, regarding Jacob Maxwell Sartorius, which was adopted.

On behalf of Senator Dolan, Senator Gibbons offered Senate Resolution No. 1605, regarding Kristopher Ryan Dry, New Melle, which was adopted.

On behalf of Senators Bartle and Purgason, Senator Gibbons offered Senate Resolution No. 1606, regarding Hanna Lee Muskrat, Eldridge, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1607, regarding Pat Scherer, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1608, regarding Nancy Neal, Festus, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1609, regarding Adrienne Welch, Festus, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1610, regarding Jennifer Hogenmiller, Festus, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1611, regarding Brian Michael Uzzle, Imperial, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1612, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Rhoads, Kirksville, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1613, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cecil Taylor, La Plata, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 1614, regarding Dianne Teneyck, which was adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1615, regarding Chelsey Grigery, Sikeston, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1616, regarding Donna Rae Underwood, Stockton, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1617, regarding Jenna Lee Ficken, Sedalia, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1618, regarding Jeanne Daffron, Saint Joseph, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1619, regarding Amanda Gumm, Saint Joseph, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1620, regarding the Commerce Bank, Saint Joseph, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1621, regarding Sue Wagner, Saint Joseph, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1622, regarding Denis H. Agniel, Jefferson City, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1623, regarding the birth of Katrina Marie Lynch, De Soto, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1624, regarding the birth of Paige Nicole Huck, Ste. Genevieve, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1625, regarding Joan Investor, Barnhart, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1626, regarding Judy Kehr, St. Louis, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1627, regarding Pat McCaffrey, St. Louis, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1628, regarding Cindy Otto, Barnhart, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 1629, regarding Kevin J. Potter, St. Louis County, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 1630, regarding Matthew G. Lyons, St. Louis County, which was adopted.

On behalf of Senator Koster, Senator Gibbons offered Senate Resolution No. 1631, regarding James David Burke,

Raymore, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1632, regarding Sharon Smith, Richmond, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1633, regarding Nick Sloop, Lawson, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 1634, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cecile Cummings, Gallatin, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 1635, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. C. Dean Pash, Bethany, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1636, regarding Mr. and Mrs. Thomas Jones, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1637, regarding Mr. and Mrs. Travis B. Hedrick, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

HCS for SCS for SBs 10 and 27; HCS for SB 21; HCS for SCS for SB 24; HCS for SS for SCS for SBs 37, 322, 78, 351 and 424; HCS for SB 38; SCS for SB 68; SB 71; SCS for SB 73; HCS for SS for SCS for SBs 74 and 49; HCS for SS for SB 95; HCS for SCS for SB 100; HCS for SCS for SBs 103 and 115; SB 122; SB 131; SCS for SB 133; SB 149; CCS for HCS for SCS No. 2 for SB 155; SB 156; HCS for SS for SCS for SB 168; SCS for SB 170; HCS for SB 174; CCS for HCS for SB 177; SB 178; SS for SCS for SB 179; HCS for SCS for SB 182; HCS for SCS for SB 196; CCS for HCS for SS for SCS for SB 210; SB 211; HCS for SB 216; HCS for SS No. 2 for SCS for SB 225; CCS No. 2 for HCS for SCS for SB 233; HCS for SCS for SB 238; SCS for SB 246; SB 254; SCS for SB 258; SB 259; SB 261; HCS for SCS for SB 262; SCS for SB 266; SCS for SB 267; HCS for SCS for SB 272; SB 274; SB 279; SB 280; CCS for HCS for SS for SCS for SB 287; SB 288; SCS for SB 289; SB 298; SB 299; SCS for SB 302; SB 306; HCS for SB 307; SB 318; HCS for SB 320; SB 323; CCS for HCS for SS for SB 343; SS for SCS for SB 346; SB 347; HCS for SCS for SB 355; SB 367; HCS for SCS for SB 372; SB 378; SB 394; SB 396; HCS for SB 401; HCS for SS for SB 402; SCS for SB 407; CCS for HCS for SCS for SBs 420 and 344; HCS for SB 422; HCS for SCS for SB 423; SB 431; HCS for SCS for SB 450; SB 453; HCS for SS for SCS for SB 462; SB 480; SB 488; HCS for SB 490; CCS for HCS for SCS for SB 500; SCS for SB 501; SB 507; SB 516; SB 518; SB 521 and HCS for SS for SCS for SB 237, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

BILLS DELIVERED TO THE SECRETARY OF STATE

SS for SJR 1, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 20**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for SCS for HB 1; CCS for SCS for HCS for HB 2; CCS for SCS for HCS for HB 3; CCS for SCS for HCS for HB 4; CCS for SCS for HCS for HB 5; CCS for SCS for HCS for HB 6; CCS for SCS for HCS for HB 7; CCS for SCS for HCS for HB 8; CCS for SCS for HCS for HB 9; CCS for SCS for HCS for HB 10; CCS for SCS for HCS for HB 11; CCS for SCS for HB 12; CCS for SCS for HB 13; HCS for HB 15; HCS for HB 18; SCS for HCS for HB 19; HB 33; HB 43;**

SCS for HCS for HB 47; HCS for HB 56; CCS for SS for SCS for HCS for HB 58; SS for SCS for HCS for HB 64; HB 69; HB 114; SS for HB 116; HCS for HB 119; HB 127; HB 155; HCS for HBs 163, 213 and 216; HCS for HB 174; SS for SCS for HCS for HB 209; HCS for HB 215; HB 219; SCS for HB 229; SCS for HCS No. 2 for HB 232; HB 236; HB 243; HB 248; HB 258; HB 261; HCS for HB 276; HB 280; CCS for SCS for HCS for HB 297; HB 323; HB 342; HB 345; HCS for HB 348; CCS for SS for SCS for HCS for HB 353; HCS for HB 365; HCS for HB 379; HCS for HB 388; HB 395; HB 402; HB 413; HCS for HB 422; HB 431; HCS for HB 437; SS for SCS for HCS for HB 441; SS for HCS for HB 443; HB 445; HB 453; HB 455; HCS for HB 461; HCS for HBs 462 and 463; HB 479; HB 486; SS for SCS for HB 487; SS for SCS for HCS for HBs 500 and 533; HCS for HB 513; SCS for HCS for HB 515; HB 524; HCS for HB 525; HB 530; HCS for HB 531; HCS for HB 563; HB 567; CCS for SS for HCS No. 2 for HB 568; HCS for HB 576; HCS for HB 577; HB 596; HB 600; SS for SCS for HB 617; SCS for

HB 618; HCS for HB 630; SCS for HB 638; CCS for SCS for HB 678; HB 681; SCS for HB 685; SCS for HB 688; HB 700; SCS for HB 707; HB 738; HB 743; HCS for HB 824; HCS for HB 866; and SS No. 2 for SCS for HCS for HB 972, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Gibbons, the Senate adjourned pursuant to the Constitution.

PETER KINDER

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

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JOURNAL OF THE SENATE

NINETY-THIRD GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST REGULAR SESSION

VETO SESSION

FIRST DAY—WEDNESDAY, SEPTEMBER 14, 2005

The Senate was called to order in Veto Session by Lieutenant Governor Peter Kinder.

The Reverend Carl Gauck offered the following prayer:

“The fear of the Lord is instruction in wisdom, and humility goes before honor.” (Proverbs 15:33)

Gracious God, we gather this day to perform our constitutional duty and discern those things that brought us here. May we have wisdom to see what is right and needful, for many are affected by our actions; and may all we say and do be respectful of one another and those we serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dolan
Dougherty	Engler	Gibbons	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler

Absent—Senators—
None

Absent with leave—
Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-third General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-third General Assembly.

Senator Shields offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

WHEREAS, the members of the Missouri Senate welcome the opportunity to acknowledge milestone events in the lives and careers of Missouri residents who admirably have answered the patriotic call to national service through their enlistment in the United States Military; and

WHEREAS, William Berl “Skip” Rich of Jefferson City has distinguished himself in his military career serving on Active Duty with Operation Noble Eagle as Brigade Command Sergeant Major with the 135th Field Artillery Brigade, as Battalion Command Sergeant Major with the 1/128th Field Artillery Battalion, Command Sergeant Major of the MOARNG Military Academy/NCO Academy, Trainer/Instructor MOARNG NCO Academy each year, in addition to annual training with Unit of Assignment, First Sergeant, “D” Company, 1138th Engineer Battalion, Evaluator/Controller Evaluation/Readiness Division, HQ STARC MO Army National Guard, HHD, 735th Maintenance, Headquarters STARC MOARNG, as Engineer Equipment Supervisor, “A” Company, 13th Engineer Battalion, United States Marine Corps, Engineer Equipment Supervisor, Republic of Viet Nam and M-60 Machine Gunner, Republic of Viet Nam; and

WHEREAS, as a member of the United States Marine Corps from 1965 to 1968, Skip Rich enlisted in the Missouri Army National Guard in 1980 at the rank of E-5; was appointed Command Sergeant Major in the United States Army by the Secretary of the United States Army on September 28, 1990 and will retire July 26, 2005 as a United States Army Command Sergeant Major; and

WHEREAS, CSM Rich has earned the Meritorious Service Medal w/ Oak Leaf Cluster, Navy Achievement Medal w/ Combat Distinguishing Device, Army Achievement Medal, Army Commendation Medal w/ 4 Oak Leaf Clusters, United States Marine Corps Good Conduct Medal, National Defense Service Medal w/ Star, Vietnam Service Medal w/ 3 Stars, Army Reserve Component Achievement Medal, NCO Professional Development Ribbon (3), Army Service Ribbon, Army Reserves Component Overseas Training Ribbon, Republic of Viet Nam Campaign Medal, Presidential Unit Commendation, Meritorious Unit Commendation, Republic of Viet Nam Meritorious Unit Citation-Cross of Gallantry, Republic of Viet Nam Meritorious Unit Citation-Civilian Action, MOARNG Commendation w/ Oak Leaf Cluster, MOARNG Service Ribbon, Expert Rifle Badge, Expert Pistol Badge, Rappel Master, Order of Saint Barbara Award, selected NCO of the Year for the state of Missouri and received the Legion of Merit Award for exceptionally outstanding conduct in the performance of meritorious service to the United States; and

WHEREAS, CSM Rich has served as Chair, State Military Academy Advisory Council for 5th Army, on the Field Artillery Advisory Committee, member of the MO National Guard Association, Enlisted Association of the National Guard of the United States, Noncommissioned Officers Association of the United States, VFW Posts 35 & 1003, American Legion Post 5 and a founding member, Past Commandant, Senior Vice of the Central MO Detachment, Marine Corps League:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri State Senate, 93rd General Assembly, join unanimously to salute

Command Sergeant Major William “Skip” Rich and to convey to him this legislative body’s most heartfelt thanks and best wishes as he retires from military service to his country with his beloved wife, Eva; his children, Gaylin, Cathy and Charles; and his grandchildren, Andersen, William, Matthew and Ethan; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of William B. “Skip” Rich of Jefferson City, Missouri.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-third General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2005 Constitutional Veto Session and ready for consideration of business.

On motion of Senator Shields, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Koster.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives, that the Chief Clerk of the House of Representatives inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor’s vetos on CCS for SCS for **HB 13**, **HB 524** and **HCS** for **HB 525** when the bills were called by the Speaker.

INTRODUCTIONS OF GUESTS

Senator Dolan introduced to the Senate, Ed Brookshire, St Louis; and Taylor Bowers, St. Charles.

On behalf of Senator Gibbons and himself, Senator Griesheimer introduced to the Senate, Dwight Scharnhorst, Ballwin.

Senator Graham introduced to the Senate, Andy Babitz, Columbia.

Senator Champion introduced to the Senate, Ben Fletcher, Colorado; Rebekah Webb, Haiti; and Molly Schell, Illinois.

On behalf of Senators Griesheimer, Alter and himself, Senator Dolan introduced to the Senate, Robin and Jazmyn Betz, Villa Ridge; Dale and Deborah Pracht, Union; Marjorie Trejo, Mexico; Wen Shen, China; Jin-Bo Kim, South Korea; Alice Ollino, Italy; and Olga Zaharova, Uzbekistan; Yvonnia Woeger and Toni Price, Troy; Elena Nesterenko, Russia; Barbara Cardoso, Brazil; Tetyana Konovalova, Ukraine; and Rikako Tsukamoto, Japan.

Senator Shields introduced to the Senate, CSM William “Skip” Rich, his wife, Eva and her son, Charles Eisenbath; his brother, Kent Rich, Jefferson City; his daughter, Cathy Kraus and her children, Matthew and Ethan, St. Louis; his mother-in-law, Naomi Heleine, Lake St. Louis; and his niece, Brianna, Washington; House Chaplain, Pastor and Mrs. James Jackson, Cole County Presiding Commissioner Bob Jones, Kathy Lewis, Marilee Trube and Biff Frates, Jefferson City; and Matthew and Ethan were made honorary pages.

On motion of Senator Shields, the Senate of the Veto Session of the First Regular Session of the 93rd General Assembly adjourned sine die, pursuant to the Constitution.

PETER KINDER
Lieutenant Governor

TERRY L. SPIELER
Secretary of Senate